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Native Consultation

Kelly Lake to Cheekye Substation Second 500 kV Transmission Line

November 1991

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KELLY LAKE TO CHEEKYE SUBSTATION SECOND 500 kV TRANSMISSION LINE

NATIVE CONSULTATION

NOVEMBER 1991

B.C. HYDRO

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EXECUTIVE SUMMARY

Preface

This report on Native Consultation is a companion document and supplement to the Kelly Lake to Cheekye Substation Second 500 kV Transmission Line (5L46) Public Consultation Report of April 1991, prepared by Synergistics Consulting Limited.

The events and activities initiated by B.C. Hydro from May 1989 in studying the Project that involved or affected Indian Bands in the Project study area are presented in this Report. Band specific and Tribal Council specific information provided by this Report reflect what B.C. Hydro learned in communicating with the Indian Bands and Councils and does not necessarily reflect the views of all Bands, Councils or their members. Some Bands communicated their views to B.C. Hydro in meetings, open house sessions and by letter while others did not.

A copy of this report will be distributed to each Band referred to herein as well as to the Lillooet Tribal Council for their review. It is anticipated that a subsequent report on Phase IV of the ongoing public consultation will incorporate the comments received from the Bands and the Tribal Council in response to this review.

Background

B.C. Hydro applied on 12 July 1991 for an Energy Project Certificate to construct 5L46. This Project would be the second 500 kV transmission line between the Kelly Lake substation, located near Clinton, and the Cheekye substation near Squamish. After two years of detailed environmental and technical studies as well as a comprehensive public consultation program, a "generally favoured" route for the transmission line has emerged, however, the Application for an Energy Project Certificate was not made for this route. For the most part, this "generally favoured" route follows the existing transmission line corridor. In so doing, it traverses a number of Indian Reserves. The proposed transmission line route and the location of Indian Reserves are depicted in Figure 1.

The study area for this report included 5L46 routes (1989 network and 1990 alternatives) shown on Figure 2 of Volume 1 of the Environmental Impact Assessment report. This area is generally that shown on the 10 map sheets which comprise Volume 2 of the Environmental Impact Assessment report. The study area approximately parallels the proposed/alternative route corridor shown on Figure 1 of this report.

Native Consultation

Throughout the public consultation process for the Project, B.C. Hydro provided Indian Bands in the study area with information on the Project planning and with opportunity to participate in the process. The office of the Lillooet Tribal Council as well as the following Bands were included in mailouts and newsletter distribution:

Anderson Lake
Fountain
Pavilion
Bridge River
Lillooet
Seton Lake
Cayoose Creek
Mount Currie
Squamish

Information was also conveyed to the Whispering Pines Band located north of Kamloops. They were former owners of the Kelly Lake Substation site, but received new Reserve property on 30 June 1970 in exchange for the property acquired by B.C. Hydro.

Meetings were held with Anderson Lake, Bridge River, Mount Currie, Pavilion and Seton Lake Bands. Meetings occurred on several occasions with the Lillooet Tribal Council representing Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and the Seton Lake Bands. An Open House session was held on the Seton Lake Reserve at the request of the Seton Lake Band.

Several observations related to the Project are:

(a) Indian Bands and the Lillooet Tribal Council generally wish to see past issues and grievances with B.C. Hydro settled prior to discussing new Project issues.

(b) The generally favoured route through Pavilion, Bridge River and Seton Lake Indian Reserves is supported by the Bands affected and the Lillooet Tribal Council based on minimizing impacts through their traditional territories by following existing transmission line corridors. However, this position is contingent on appropriate settlement with B.C. Hydro.

(c) B.C. Hydro will focus resources and effort in negotiating and settling the required rights-of-way through:

- Pavilion IR1;
- Bridge River IR1;
- Seton Lake IR5A; and
- Nequatque IR1 Reserves

to avoid the additional cost and the environmental impact of going around these Reserves.

(d) While the employment and native business opportunities on the Project are limited, the following initiatives will be pursued by B.C. Hydro prior to Project approval to enhance those opportunities:

- encourage native businesses and Bands within the study area to obtain training and skills needed to compete for Project contracts;
- provide opportunity to Indian Bands to clear any Project rights-of-ways (ROWs) on Reserves and investigate opportunities for involving Indian Bands in the ongoing maintenance of ROWs both on and off Reserves;
- ensure commitments to monitoring and communications are maintained.

(e) B.C. Hydro will arrange Project updates for the native communities at regular intervals during pre-approval and post-approval stages of the Project.

The status of the native consultation can be summarized as follows:

- Six Bands represented by the Lillooet Tribal Council expressed willingness to negotiate with B.C. Hydro and several productive discussions were held. These six Northern Stl'atl'imx communities of Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake offered to undertake land use negotiations with B.C. Hydro for use of Stl'atl'imx lands for power transmission purposes and a meeting was held in late June 1991. The purpose of such negotiations will be to define specific land use and right-of-way terms and conditions acceptable to both B.C. Hydro and the communities. The Bands did express that they wanted progress in addressing past grievances with B.C. Hydro prior to addressing Project related issues. However, at the time of writing this report, no agreement had been reached.

- These Bands also expressed the view that they preferred to see the Project follow the existing corridor through Pavilion, Bridge and Seton reserves. Discussions with the six Northern Stl'atl'imx communities of Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion, and Seton Lake were continuing at the time of writing this report.

- A memorandum of understanding regarding right-of-way requirements was reached with the former Chief of the Anderson Lake Band. Since the signing of this memorandum of understanding, a new Chief and Council has been elected. Negotiations continue with the current Chief and Council regarding the required right-of-way for the Nequatque IR1 alternative. At the time of writing this report, no agreement had been reached and the Anderson Lake Band was discussing land use negotiations with the Northern Stl'atl'imx communities.

- The Squamish Band never expressed an opinion regarding the Project or negotiations. A meeting with the Band's Economic Development Committee was requested and planned, but had not yet occurred at the time of writing this report.

- B.C. Hydro met with the Mount Currie Band in October 1989 and on several subsequent occasions requested meetings to discuss the Project and to discuss plans for an Energy Project Certificate Application. In April 1991, B.C. Hydro met with the Band Manager to discuss the Project and was informed that the Band did not want to discuss Project details until their land claim issues had been settled. The Band perceives B.C. Hydro to be a third party in their negotiations with the Federal and Provincial Governments. The Band Manager was informed of the proposed route and the route alternatives, and provided with Project information. A request to the Chief of the Band for a follow-up meeting was made, however following review of the request with the Council, the Chief advised that they did not wish to meet with B.C. Hydro at this time. A meeting had not yet been confirmed at the time of writing this report.

It is understood that all the Bands are concerned about how the Project might affect land to which they have or may register claims.

Given the above, B.C. Hydro's Energy Project Certificate Application to construct the Project was based on a route which bypasses Indian Reserves. However, the "generally favoured" route options through selected reserves are included as alternatives should negotiations with the Anderson Lake Band, Lillooet Tribal Council and Bands of the Northern Stl'atl'imx communities be successful. Whether the generally favoured alternatives can be implemented will depend on the success and timing of subsequent ongoing negotiations. Settlements with Bands on the generally favoured route must be completed within the time frame required to maintain the 1996 Project in-service date.

During discussions with the Anderson Lake Band, the Economic Resources Coordinator for the Coast Mountain Development Corporation attended a meeting and explained the involvement of the Samahquam, Skookumchuk and Douglas native Bands in the Corporation.

It is B.C. Hydro's understanding that the Reserves of the Samahquam, Skookumchuk and Douglas Bands and traditional territory of the Nsekets people are outside the Project study area.

B.C. Hydro strongly supports a negotiated settlement of Project right-of-way requirements with all Bands and is continuing negotiations with a view to achieving settlement within the time frame required by the Project in-service date.

KELLY LAKE - CHEEKYE
NATIVE CONSULTATIONS

SECTION 1 - INTRODUCTION

1.1 BUSINESS RELATIONSHIPS

B.C. Hydro recognizes that it has a special business relationship with the Province's native peoples whose Reserve lands are traversed by its electrical transmission lines. This relationship differs from that with non-native property owners not only in the nature of existing rights-of-way and access agreements entered into but also in the processes which B.C. Hydro must follow in seeking new transmission line rights-of-way. Because of the complexity and nature of the issues involved and the need to ameliorate historical concerns expressed by the Bands, B.C. Hydro's Kelly Lake - Cheekye Project team conducted the consultation program with Indian Bands with limited support from external consultants. This report, therefore, has been prepared by B.C. Hydro based on in-house Project team consultation efforts, and not by the consultant responsible for the overall public consultation report. However, B.C. Hydro's commitments address the results of the native consultation as well as recommendations of the Environmental Studies Land Use/Socio-Economic Component Part 2 - Native Communities report (Reference 4).

At the outset of consultation with Indian Bands in the Project study area B.C. Hydro emphasized that its long term interests are to develop and maintain a sound business relationship with the Bands. Hence the environmental studies, property negotiations and transmission line access and right-of-way requirements have been closely linked to the consultation process and negotiations with Indian Bands. B.C. Hydro appreciates that building constructive business relations with Indian Bands requires the commitment of internal resources and the attention of its management. B.C. Hydro has committed resources to negotiate with the Bands.

1.2 NATIVE RIGHTS/LAND CLAIMS

B.C. Hydro recognizes that rights and privileges of B.C. native peoples and their Bands in the Project study area are provided by law.

B.C. Hydro also recognizes the special status of Reserve lands in B.C. and acknowledges that native peoples claim a special relationship to the land. Cultural differences such as the native people's relationship to the land require attention and understanding in the public consultation and negotiating processes.

As a Provincial crown corporation, B.C. Hydro has no jurisdiction or authority to negotiate claims regarding land or aboriginal title. During consultation with Indian Bands over the past two years B.C. Hydro has made this clear. B.C. Hydro has recognized however, that these issues are deeply felt by the native community. Land claim and aboriginal title positions taken by Tribal Councils, Bands and Band members form a constant backdrop to discussion of all other public issues which, for the native peoples, may command lesser priority. Priorities of the Bands have influenced and continue to influence their participation in the consultation process.

1.3 APPROACH TO CONSULTATION

B.C. Hydro anticipated, when planning studies for the Project were reactivated early in 1989, that public consultation with Indian Bands were likely to require measures different than, and communication initiatives in addition to, the efforts described elsewhere in the Public Consultation Report (References 1 and 2).

Several Bands requested that negotiations regarding historical grievances and the Project be conducted in confidence. Bands of the Lillooet Tribal Council advised that discussions were to be conducted on a "without prejudice" basis to any future land claims they may pursue and to any current or future litigation with B.C. Hydro. B.C. Hydro has acknowledged that they would comply to the extent within its jurisdiction. Accordingly, negotiating discussions with Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion, and Seton Lake Bands have taken place on that confidential, "without prejudice" basis.

B.C. Hydro consultation efforts have been designed to:

- provide the same information and opportunities to consult to native people and their communities as offered to the general public and communities;

- in addition, provide special opportunities, recognizing the business relationship between B.C. Hydro and native peoples, to Indian Bands and native peoples in the study area, to participate in the Project public consultation process;

- determine the concerns and related historical grievances held by the Bands and respond to those concerns and grievances in an open, honest and straight forward manner, particularly where the concerns and grievances relate to the proposed Project;

- attempt to resolve concerns in consultation with the Bands and, where possible, negotiate settlement of those that relate to the Kelly Lake - Cheekye Project;

- maintain continuity in the communications, participation and support by the Project team in consultation and negotiation discussions with the Indian Bands.

Several Bands expressed concern regarding the level of responsibility held by B.C. Hydro staff consulting with the Bands. They wanted to be assured that any commitments given will be met. These concerns and expectations were conveyed to B.C. Hydro management who have given their assurance that commitments by staff have the full support of the Chairman and Chief Executive Officer.

1.4 REPORT ORGANIZATION

This report follows a similar outline and approach to that of the Kelly Lake - Cheekye Public Consultation Report (References 1 and 2). Section 2 outlines the Methodology employed in consulting with Indian Bands, and the Findings are described in Section 3. B.C. Hydro's Analysis and Response to concerns raised can be found in Section 4. Section 5 conveys Conclusions, and Section 6 describes B.C. Hydro Commitments.

SECTION 2 - METHODOLOGY

2.1 PARTICIPATION - INTERNAL

The Project team were empowered to consult with Indian Bands. Participation on that team included B.C. Hydro's Environmental Resources, Properties, Engineering, Electric and Magnetic Field (EMF) Effects Manager and other departments under the direction of the Project Manager and with the cooperation of B.C. Hydro's External Relations Department.

As consultation with several Bands required discussion of matters not directly related to the proposed Kelly Lake - Cheekye Project, involvement of some staff from B.C. Hydro outside of the Project team was necessary.

The methodology employed for consultation with native people was initially the same as that used for the general public in terms of timing, communication methods and opportunities for input (see Public Consultation Reports References 1 and 2). Additional communication occurred through Band and Tribal Council discussions and meetings, specific discussions and meetings with Band members and Band managers, negotiations and discussions.

2.2 NATIVE STAKEHOLDERS

The native communities within the study area for the Project were identified as (in alphabetical order) the Anderson Lake, Bridge River, Cayoose Creek, Fountain, Lillooet, Mount Currie, Pavilion, Seton Lake, Squamish and Whispering Pines Bands. With the exception of the Whispering Pines Band (Shuswap Nation) and the Squamish Band (Squamish Nation), all are members of the Stl'atl'imx Nation. The Bridge River, Cayoose Creek, Fountain, Lillooet, Mount Currie, Pavilion and Seton Lake Bands are members of the Lillooet Tribal Council. The Coast Mountain Development Corporation (CMDC) was formed by Anderson Lake, Douglas, Samahquam and Skookumchuk Bands. Although the Lillooet Band, the Fountain Band and the Cayoose Creek Band do not have Reserves which would be directly impacted by the Project, they want certain past grievances resolved before addressing the Project.

A map is shown in Figure 1 depicting B.C. Hydro's existing transmission lines, the proposed route and alternatives which were studied for the Kelly Lake - Cheekye Project, and the Indian Reserves in the area. Specific maps of route alternatives and Reserve lands are shown in Figures 2 to 7.

Figure 8 shows the boundary of the Stl'atl'imx Nation based on a more detailed map provided by the Lillooet Tribal Council which outlines the extent of traditional lands of the Stl'atl'imx Nation (see Reference 5).

2.3 INFORMATION MATERIALS AND CONSULTATION EVENTS

A description of Public Information Materials (made available to Native Bands and the general public alike) can be found in Chapter 2.2 in the Kelly Lake - Cheekye Substation Second 500 kV Transmission Line Public Consultation Report (Reference 1) and examples of these materials are included in Appendix B of that report. In summary, they comprised:

- Press Releases
- Information Centres
- Project Newsletters
- Route Maps
- Display Boards
- Other Information (available at Open Houses). This information included reference material such as a Project Prospectus; brochures about safety; brochures on Power Smart (conservation) programs; vegetation management brochures; Electric and Magnetic Field (EMF) information; B.C. Hydro's 1990 Electricity Plans and Corporate Business Plan; and large-scale route maps.

In addition, during the initial Project planning stages, a toll-free telephone line was established and its availability for use by all study area residents was noted in all newsletters. This line was staffed during office hours and an answering machine was available at all other times to record messages.

In addition to the public information material described above, direct invitations to scheduled open house events, by letter and by telephone, were made to Indian Bands in the Project study area. In addition, B.C. Hydro offered to hold additional Open Houses for the Indian Bands in the study area. The Seton Lake Band accepted this invitation in Phase I of the public consultation program. Some members of the Anderson Lake Band chose to attend the Open House held in the community of Birken and some members of the Mount Currie Band did attend the Phase I Open House at Pemberton. Other Bands chose not to be involved in the public consultation program. Meetings were held with leaders of the Lillooet Tribal Council, and the Anderson Lake, Bridge River, Lillooet, Mount Currie, Pavilion and the Seton Lake Bands. Communication was by letter and phone with the Squamish and Whispering Pines Bands proposing meetings to discuss the Project.

2.4 CHRONOLOGY OF CORRESPONDENCE, MEETINGS AND OPEN HOUSE SESSIONS

Table 1 following this Section provides a summary of native consultation events up to 30 June 1991.

Table 2 provides a summary of public consultation for the Kelly Lake - Cheekye Project up to 30 June 1991.

2.5 BAND/COUNCIL SPECIFIC APPROACHES

B.C. Hydro provided information materials, meeting/open house notices and correspondence to individuals and organizations on the Project mailing list including the Lillooet Tribal Council, Anderson Lake, Bridge River, Cayoose Creek, Fountain, Mount Currie, Lillooet, Pavilion, Seton Lake and Squamish Bands. In addition, the Whispering Pines Band was added to the Project mailing list on 17 January 1990. The consultation and communications with Indian Bands from mid-1989 to mid-1991 evolved in three specific directions:

(a) Band Specific including:

Anderson Lake
Mount Currie
Squamish
Whispering Pines

(b) Lillooet Tribal Council and Northern Stl'atl'imx communities including:

Bridge River
Cayoose Creek
Fountain
Lillooet
Pavilion
Seton Lake

(c) Property Specific:

Discussions occurred between B.C. Hydro and certain Bands regarding property and other legal matters.

2.6 NEGOTIATIONS WITH BANDS

Following a letter from the Lillooet Tribal Council in February 1990, B.C. Hydro met later that month with Tribal Council representatives to discuss their concerns.

In mid-1990, B.C. Hydro advised the Lillooet Tribal Council and Bands that it was studying non-Reserve routing options as well as those routes which affected certain Reserves. This decision was conveyed to the Bands in the event that a resolution of Band concerns and suitable right-of-way access could not be negotiated. The willingness of B.C. Hydro to entertain land exchanges and/or purchases of rights-of-way in fee simple was also conveyed to these Bands at that time.

Meetings between B.C. Hydro and the Lillooet Tribal Council including Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands occurred in 1990 and 1991.

Progress in negotiations has been slow. As a result B.C. Hydro became concerned that it might not be able to achieve a negotiated solution on rights-of-way for the generally favoured route within the time frame necessary to maintain the 1996 Project in-service date. Therefore, B.C. Hydro wrote to all Bands in August 1991 to advise the Bands that alternative routes around the Reserves had been identified. In fact, B.C. Hydro's Energy Project Certificate Application is based on a route which bypasses Indian Reserves. However, the "generally favoured" route options through selected Reserves are included in the Application as alternatives should negotiations with the Anderson Lake, Seton Lake, Bridge River and Pavilion Bands be successful.

Negotiating rights-of-way from the Bands for the Project continues; however, further details are not described in this report as they are confidential.

Concerns of a general and specific nature are presented in Section 4 of this report although this information does not detail specific negotiating proposals.

2.7 LIMITATIONS OF THE CONSULTATION PROCESS

B.C. Hydro made specific approaches to Indian Bands offering Band specific opportunities to become involved with the public consultation process, yet these received limited response. B.C. Hydro met, or attempted to meet, with each Band on several occasions and expressed willingness to present and discuss Project information and listen to their concerns.

B.C. Hydro has not so far carried out ground investigations on the Reserves or settled agreements with the Bands to obtain the site-specific data necessary and sufficient for transmission line planning. Some data were obtained by general observation, land resource mapping and aerial photographs. More detailed information on data collection is contained in technical and environmental reports, including the Land Use/Socio-Economic Component Part 2 - Native Communities Report (Reference 4), hereinafter referred to as the Native Communities Report.

The limits imposed by the Bands on the environmental studies and consultation program has resulted in deficiencies in information about each Bands' particular way of life, plans for its Reserves and the effect the Project may have on its people. However, the information available was the basis for completing the Native Communities Report (Reference 4) and for completing Sections 5.0 Conclusions and 6.0 B.C. Hydro Commitments in this report.

TABLE 1

NATIVE CONSULTATION SUMMARY OF EVENTS TO JUNE 1991

BAND	1989	1990	1991
Anderson Lake Band	**06/23/89** Letter to inform Band of Project. **09/20/89** Letter to provide information and invite Band to attend open houses. **09/28/89** Meeting with Chief and Band Manager.	**03/07/90** Letter to Chief and Council to provide progress report. **10/18/90** Meeting to discuss Project. **11/16/90** Letter to Chief and Council summarizing outcome of 18 Oct. meeting re: right-of-way over Nequatque IR1. **12/19/90** Letter of 16 Nov. acknowledged and signed by Chief.	**01/24/91** Meeting held with Chief and Council, B.C. Hydro and the Department of Indian Affairs and Northern Development. **01/30/91** Letter to Chief and Council providing background information. **02/11/91** Letter to Chief & Council summarizing outcome of 24 January meeting. **02/19/91** Letter to Chief & Council notifying of socio-economic impact assessment and request for meeting. **02/28/91** Meeting held with Chief and Council. Also attended by Coast Mountain Development Corporation (CMDC).

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Anderson Lake Band continued.			**03/13/91** Letter to Chief & Council conveying 3 phase power costs. **03/28/91** Letter from D'Arcy Investment Corporation (DICOR) to BCH re: benefits of Long-term Contracting of ROW Vegetation Control. **04/11/91** Socio-Economic Meeting held. **04/24/91** Meeting held with Chief and Council. **05/14/91** Letter to Chief & Council summarizing outcome of 11 April socio-economic meeting. **06/12/91** Meeting with BCH, Chief, Band Council and Band members. Project overview, right-of-way options and Band concerns were discussed.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Bridge River Band	**06/23/89** Letter to inform Band of Project. **09/20/89** Letter to provide information and invite Band to attend open houses. **09/28/89** Meeting with Band Manager and Councillors. **10/19/89** Telephone call from Band Manager to advise that a new Chief was elected.	**03/07/90** Letter to Chief and Council to provide progress report.	**01/30/91** Letter to Chief & Council providing background information. **01/31/91** Letter to determine whether Band wishes to proceed with resolving compensation re: agreements. **03/05/91** Letter to Chief & Council notifying of socio-economic impact assessment and request for meeting. **03/14/91** Socio-economic meeting held. **04/02/91** Letter to Councillor & Band Manager summarizing outcome of 14 March socio-economic meeting.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Cayoose Creek Band	**09/20/89** Letter to provide information and invite Band to attend open houses.	**03/07/90** Letter to Chief & Council to provide progress report. **11/14/90** Letter from Chief to BCH regarding Band concerns.	**01/30/91** Letter providing background information to Band. **03/05/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for meeting. **03/14/91** Socio-economic meeting held. **05/15/91** Letter to Chief and Council summarizing outcome of 14 March socio-economic meeting.
Fountain Band	**09/21/89** Letter to provide information and invite Band to attend open houses. **10/16/89** Chief acknowledges (letter) invitation as spokesperson for Stl'atl'imx Councils of Chiefs (Lillooet Tribe).	**03/07/90** Letter to Chief & Council to provide progress report. **09/21/90** Letter from Chief to BCH re: concerns of the Band.	**01/30/91** Letter providing background information to Band. **03/05/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for meeting. **03/13/91** Socio-economic meeting held.

NATIVE CONSULTATION SUMMARY OF EVENTS TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Lillooet Band	**06/23/89** Letter to inform Band of Project. **09/20/89** Letter to provide information to invite Band to attend open houses. **09/27/89** B.C. Hydro delivers copies of ROW agreements.	**03/07/90** Letter to Chief & Council to provide progress report. **08/08/90** Letter from Chief to identify proprieties for resolving past issues. **08/10/90** Meeting (see Lillooet Tribal Council) **10/02/90** Letter from Chief re: concerns including Seton Lake IR5. **10/31/90** Letter from Chief re: Seton Lake IR5. **11/26/90** Meeting with Chief held re: Seton Lake IR5.	**01/30/91** Letter providing background information to Band. **03/05/91** Letter to Chief and Council notifying of socio-economic impact assessment and requesting meeting. **03/13/91** Socio-economic meeting held. **03/25/91** Letter to Band Manager summarizing outcome of 13 March meeting. **05/02/91** Letter from Band Manager confirming accuracy of 25 March letter and adding concern over IR2 Towinock (Texas Creek)

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Mount Currie Band	**06/23/89** Letter to inform Band of Project. **09/20/89** Letter to provide information and invite Band to attend open houses. **10/17/89** Meeting with Band.	**01/23/90** Letter to describe Band's position regarding land title access by Hydro. **03/07/90** Letter to Chief & Council to provide progress report. **04/10/90** Letter to state BC Hydro's desire to continue negotiations. **05/18/90** Letter on storage of special waste at Creekside capacitor station.	**01/30/91** Letter to Chief & Council providing background information. **02/01/91** Informal discussion with new and former Chiefs. **02/05/91** Letter to Chief and Council conveying Project information requesting meeting with B.C. Hydro. **02/19/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for a meeting. **04/03/91** Phone call to Chief requesting a meeting. **04/11/91** Meeting to present Project information to Band Manager and request socio-economic information. **04/24/91** Letter to Band Manager summarizing outcome of 11 April meeting.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Mount Currie Band continued.			**06/03/91 & 06/10/91** Phone calls to Chief requesting a meeting. B.C. Hydro was advised that Council had decided not to meet with B.C. Hydro.
Pavilion Band	**06/23/89** Letter to inform Band of Project. **07/21/89** Letter from DIAND. **08/03/89** Meeting with Chief to discuss ROW issues. **08/21/89** Meeting with Chief re: negotiations. **09/21/89** Letter providing information and inviting Band to attend open houses. **09/28/89** Meeting to advise of work on existing ROW.	**03/07/90** Letter to Chief & Council providing progress report. **09/05/90** Meeting. **10/17/90** Letter to BCH from Band legal council re: negotiations.	Confidential property negotiations ongoing. **03/05/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for meeting. **03/14/91** Socio-economic meeting held. **04/03/91** Letter to Chief and Council summarizing outcome of 14 March meeting.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Seton Lake Band	**06/23/89** Letter to inform Band of Project. **09/20/89** Letter to provide information and invite Band to attend open houses. **09/28/89** Meeting with Band. **10/10/89** Seton Lake open house.	**03/07/90** Letter to Chief & Council to provide progress report. **09/05/90** Meeting with Chief & Council.	**01/31/91** Letter to Chief and Council to determine whether Band wishes to proceed with resolving compensation re: agreements. **03/05/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for meeting. **03/19/91** Socio-economic meeting held. **04/15/91** Meeting with Chief and Council to discuss ROW agreements. **04/11/91** Letter to Chief and Council to convey outcome of 19 March meeting. **04/24/91** Meeting with Chief and Council to discuss ROW issues and follow up on 15 April meeting.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

BAND	1989	1990	1991
Squamish Band	**06/23/89** Letter to inform Band of Project. **09/20/89** Letter to provide information and to invite Band to attend open houses. **10/31/89** Letter from Band's Solicitor seeking information and advising that proposed Project falls within their aboriginal lands. **11/29/89** Letter to Band's solicitor providing information requested.	**05/29/90** Letter conveying Project information to Chief. **06/04/90** Band representative attends Project meeting at North Vancouver Outdoor School. **07/17/90** Letter to Chief and Council providing information. **08/16/90** Squamish Nation Longhouse Gathering. **10/25/90** Letter to Chief and Council requesting meeting re: Project.	**02/19/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for meeting. **04/08/91** Discussion with Chief re: Agenda and timing of meeting with Band Economic Development Committee. **04/08/91** Letter to Chief providing information requested on Independent Power Producers and Electricity Trade.
Whispering Pines Band		**01/17/90** Call to Band office to explain Project. **02/13/90** Letter to Chief forwarding Project information. **05/29/90** Letter to provide progress report and invitation for further consultation.	**02/19/91** Letter to Chief and Council notifying of socio-economic impact assessment and request for a meeting. **04/09/91** Socio-economic meeting with Chief held.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

COUNCILS	1989	1990	1991
Alliance Tribal Council	**09/22/89** Letter to provide Project information and advise of open house plans.		**02/19/91** Letter to Squamish Band copied to Council re: notification of socio-economic impact assessment & request for meeting.
Coast Mountain Development Corporation			**02/28/91** Meeting held with Anderson Lake Band attended by CMDC Economic Resources Coordinator. **06/27/91** CMDC representatives attend local area Contractors Workshop. Anderson Lake, Douglas, Samahquam and Skookumchuk Band representatives advise of interest in discussing past grievances.

NATIVE CONSULTATION SUMMARY OF EVENTS TO JUNE 1991 (Cont'd)

COUNCILS	1989	1990	1991
Lillooet Tribal Council (LTC) & Northern Stl'atl'imx communities.	**09/22/89** Letter to convey information on Project. **09/27/89** Information package delivered to LTC office. **10/16/89** Chief of Fountain Band acknowledges open house invitations to Bands as spokesperson for the Stl'atl'imx Councils of Chiefs (Lillooet Tribe). **11/09/89** Meeting with LTC representative to provide information. **12/04/89** Letter conveying Project information. **12/15/89** Letter to B.C. Hydro providing update of Tribal Council's position. **12/28/89** Letter from B.C. Hydro confirming interest in meeting with Tribal Council.	**02/01/90** Letter from LTC representative to state position of the Stl'atl'imx Nation regarding the public consultation process. **02/20/90** Meeting to discuss Tribal Council concerns. **06/21/90** Letter to reiterate BCH's understanding of status of negotiations. **07/13/90** Meeting to discuss negotiation process. **08/10/90** Meeting to discuss negotiation process. **10/22/90** Letter to discuss negotiation process. **10/25/90 & 10/26/90** Meetings with LTC.	**01/28/91** Negotiating discussion. **03/13/91 & 03/14/91** Socio-economic meeting. **03/26/91** Negotiating discussion. **04/30/91** Negotiating discussion. **06/21/91** Meeting to discuss Northern Stl'atl'imx Communities' preliminary joint offer to negotiate.
Shuswap Nation Tribal Council			**02/19/91** B.C. Hydro letter to Whispering Pines Chief copied to Tribal Council Economic Development Officer.

NATIVE CONSULTATION
SUMMARY OF EVENTS
TO JUNE 1991 (Cont'd)

COUNCILS	1989	1990	1991
United Native Nations Local 136 - Clinton, B.C.			**04/05/91** BCH letter conveying Project information as a result of request for information.

TABLE 2

SUMMARY OF PUBLIC CONSULTATION FOR THE KELLY LAKE - CHEEKYE PROJECT

ACTIVITY - PHASE I (May - November 1989)	DATE
☐ Press Release issued	June 13/89
☐ Public Information Request (PIR) System established	June 1989
☐ Toll-free telephone line established	June 1989
☐ New Information Centres established	July 1989
☐ Newsletters distributed	September 1989
☐ Open House held:	
• Clinton	October 3/89
• Seton/Shalalth	October 4/89
• Lillooet	October 5/89
• Seton Lake Band	October 10/89
• Pemberton	October 11/89
• Birken	October 12/89
• Squamish	October 13/89
• Whistler	October 14/89

SUMMARY OF PUBLIC CONSULTATION FOR THE KELLY LAKE - CHEEKYE PROJECT (Cont'd)

ACTIVITY - PHASE II (April - September 1990)	DATE
☐ Public Information Request (PIR) System Continues	Ongoing
☐ Toll-free telephone line continues	Ongoing
☐ Planning Perspective Report	March 1990
☐ Media Advisory Issued	May 1990
☐ Newsletters distributed	May 1990
☐ Preliminary Planning Report	May 1990
☐ Update provided to Information Centres	June 1990
☐ Open Houses held:	
• Squamish	June 4/90
• Birken	June 5/90
• Whistler	June 6/90
• Pemberton	June 7/90
• Clinton	June 11/90
• Seton/Shalalth	June 12/90
• Lillooet	June 13/90
ACTIVITY - PHASE III **(October 1990 - February 1991)**	**DATE**
☐ Public Information Request (PIR) System continues	Ongoing
☐ Toll-free telephone line continues	Ongoing
☐ Newsletters distributed	February 26/91
☐ Project Update Letter issued	February 27/91

SUMMARY OF PUBLIC CONSULTATION FOR THE KELLY LAKE - CHEEKYE PROJECT (Cont'd)

RECENT CONSULTATION ACTIVITIES (March - June 1991)	DATE
☐ Public Information Request (PIR) System continues	Ongoing
☐ Toll-free telephone line continues	Ongoing
☐ Open House/Meeting with Pinecrest/Black Tusk Residents	March 14/91
☐ Meeting with Pemberton Residents and Property Owners	March 21/91
☐ Advertisement placed in local Pemberton newspapers notifying residents of additional route alternative and technical options in the Lillooet River Valley	April/91
☐ Open House/Meeting with Pemberton Residents	June 18/91

SECTION 3 - FINDINGS

3.1 INTRODUCTION

The planning for the proposed Project included study of routing options which traverse Reserve lands and traditional lands of the Lillooet (Stl'atl'imx), Coast Salish (Squamish), and Shuswap (Whispering Pines) people. The existing transmission lines in the study area cross several Reserves of Bands that have rights-of-way concerns, related property and other grievances with B.C. Hydro. Depending on the issues, Bands have acted collectively through the Tribal Council or independently via their Band Chief and Council. Section 2.5 describes the approaches to Band/Council specific and property specific communications which evolved.

Sources of information for this chapter include the open house sessions by the Project team, meetings held with the Bands and members of the Lillooet Tribal Council and Northern Stl'atl'imx communities and informal communications (phone calls, site visits) and correspondence. This information is not a comprehensive assessment of issues and concerns based on detailed submissions by the Bands or Tribal Council nor is it based on significant participation in the consultation process by individuals. The information is, however, the best available to B.C. Hydro given the circumstances.

Section 3.2 of Chapter 3 describes for each Band and the Lillooet Tribal Council the response to the consultation program including the related negotiating processes as necessary to describe the progress while maintaining requested confidentiality of the negotiations. Section 3.3 provides a Summary of the Comments and Concerns. Table 3 provides a native overview of B.C. Hydro facilities and route alternatives, past grievances and the status of public consultation and negotiations by Band.

3.2 BAND AND COUNCIL SPECIFIC RESPONSE TO B.C. HYDRO CONSULTATION

The Indian Bands, Lillooet Tribal Council and Northern Stl'atl'imx communities responded to the Project public consultation program in one of the following ways:

- no participation, no response;
- limited participation, no response;
- limited participation, some response;

The level of participation of the Bands and Councils was determined by them but all requests for meetings, open houses or Project information were fulfilled by the Project team.

Concurrent with the consultation process were certain property negotiations regarding transmission line rights-of-way and grievances in regards to other existing B.C. Hydro facilities and activities. Some Bands also pursued or contemplated litigation procedures against B.C. Hydro before and during the consultation process.

Following is a description by Band and Tribal Council of the nature of their participation. For a complete listing of Reserves held by Bands in the study area refer to Table 5 in the Native Communities Report (Reference 4).

Also see Reference 4, Table 6 for listing of the Reserves crossed by existing transmission line rights-of-way and see Table 7 of that Report for a summary of past transactions with study area Bands.

3.2.1 Anderson Lake Band

(a) Consultation Efforts During 1980-1983

The Anderson Lake Band expressed the following concerns with the Kelly Lake-Cheekye Project during 1980-1983:

- need for studies of alternative corridors;
- corridor relocation;
- visual impact;
- application of herbicides along rights-of-way (ROW) and effect on Band's water supply and livestock;
- land use and alienation of Reserve land;
- public consultation program and the B.C. Utilities Commission (BCUC) process;
- legal status of B.C. Hydro easements;
- expropriation;
- technical design of transmission line;

- radio and television reception; and,
- audible noise.

The Band was concerned about valley bottom land where the existing 2L1 right-of-way crosses Nequatque IR1. The Band suggested that the right-of-way be moved out of the valley bottom to the northwest border of the Reserve paralleling existing transmission line structures. This relocation would provide greater opportunities for the Band members to develop and use Reserve land.

(b) Consultation Efforts During 1989-1991

The generally favoured route and existing transmission lines pass through the Anderson Lake Band's Reserve, Nequatque IR1 (see Figure 2).

Up to June 1991, the Anderson Lake Band did not participate in negotiation discussions between B.C. Hydro and the Lillooet Tribal Council. On 22 January 1991 the Anderson Lake Band confirmed the formation of the Coast Mountain Development Corporation with Port Douglas, Samahquam and Skookumchuk Bands. Business relationships also exist with the non-native community in D'Arcy, with the Squamish Lillooet Regional District, the Sea to Sky Development Commission, and the Department of Indian Affairs and Northern Development (DIAND).

The Anderson Lake Band has worked with B.C. Hydro's production group by successfully completing two transmission line right-of-way maintenance contracts, following B.C. Hydro's tendering process, in the D'Arcy to McGillvary Creek area involving B.C. Hydro circuit 2L2.

Initial consultation efforts with the Anderson Lake Band included four meetings with the Band Chief and Council representatives. In addition, some members of the Band attended a Project open house in Birken on 12 October 1989. A memorandum of understanding with Hydro was signed by B.C. Hydro's Project Manager on 16 November 1990 and the Chief on 19 December 1990.

In finalizing the land use and socio-economic component of the environmental studies undertaken for the Project, a further meeting was held 11 April 1991 with the then Chief, Councillors and the Band Manager. The newly elected Chief was unable to attend.

Extensive information was obtained on the Band's current land use and socio-economic concerns including:

- **Housing** - The Band is close to completing a Physical Development Plan which identifies a need for 40 housing units over the next 10 years. The Band has a new subdivision presently under construction. In addition, there is sufficient Reserve lands to meet future community development needs (e.g. housing, larger recreation building, new commercial complex).

- **Economic Development** - The Anderson Lake Band places a great deal of emphasis on economic self-sufficiency as the essential first step toward becoming an independent community. Key steps in their many initiatives and plans for economic development include:

  DICOR (D'Arcy Investment Corporation):

  Voting shareholders are Band members over 18 years of age. Initiatives of DICOR include fish spawning channels, fish rearing facilities, and a B.C. Hydro transmission line ROW maintenance contract. A new sawmill is presently being developed. A commercial complex (store, restaurant, gas station, etc.) is under consideration.

  Coast Mountain Development Corporation:

  This initiative is in conjunction with three other area Bands and the Sea to Sky Economic Development Commission. The mandate of the Corporation is to identify and pursue new economic development initiatives and investors. The corporation is considering a log home building venture which would train and employ Band members.

- **Education** - The Band places a strong emphasis on all facets of education and training e.g. high school, post secondary, trade schools, and job skills.

Specific matters raised by the Band, Councillors and representatives of DICOR included:

- interest in three phase power for a sawmill near Band offices at south end of Anderson Lake and for a commercial trout farm;
- potential conflict between the Band's plans for a water intake and the B.C. Hydro ROW;
- potential conflict of ROW alignment alternatives and community plan, tourism potential and economic development in the valley bottom;
- possible infringement of future ability to divert water from the Blackwater River for irrigation purposes;
- electric and magnetic field effects;
- right-of-way maintenance and clearing contracts and training;
- use of ROW for tree farming.

Prior to the Band's 1991 elections the Band Council indicated a preference for the route proposed for 5L46 adjacent to 3L2. Such a route would require a short length of new ROW through the northwest corner of the Reserve at D'Arcy. The Council was prepared to negotiate this ROW, particularly if the 2L1 ROW on Nequatque IR1 was released to the Band. Moreover, the Council did not object to the depicted location of the proposed 5L46 line along the existing 5L42 corridor. Also, the Council did not want to see a long span (of conductors) across Anderson Lake in front of their community.

The Band Council had also advised B.C. Hydro they have a "Specific Claim" for title to District Lot 100 immediately to the north of their Reserve at D'Arcy, but would not use this claim to frustrate the Project provided the route for 5L46 was negotiated as agreed and the 2L1 ROW on the Reserve was released back to the Band.

Through DICOR, one of the Band's stated goals was to negotiate a long-term arrangement with B.C. Hydro for maintenance of transmission line ROWs in the area. It was expected that if such an arrangement could be successfully established, the local native community as well as B.C. Hydro could realize significant benefits.

B.C. Hydro met with the new Chief and Council on 24 April 1991 and was advised that the Chief wanted a special meeting with the Band members and B.C. Hydro to discuss the Project. The Chief advised that B.C. Hydro should not assume the Band members were in agreement with the outcome of previous discussions between Council and B.C. Hydro.

On 12 June 1991 B.C. Hydro met with the new Chief and Band members in their Community Hall to present Project information. Concerns raised included:

- need for more detailed information on previous letter of understanding;
- use of Reserve property for new transmission line (T/L) and the preference for using existing right-of-way (ROW);
- details of right-of-way agreement for 2L1 ROW;
- Devine Substation site;
- transmission line routing in the Pemberton Valley and proximity to Signal Hill Elementary School;
- request for copy of 2L1 ROW agreement, confirmation of PCB analysis of Devine Substation, copies of correspondence between Band and B.C. Hydro since the Fall of 1989, study on feasibility of not using Reserve for routing line.

B.C. Hydro provided information requested in a letter to the Chief and Council on 3 July 1991.

The Anderson Lake Band Chief attended a meeting with the Northern Stl'atl'imx communities on 21 June 1991. At the time of writing this report, B.C. Hydro understands the Anderson Lake Band was reviewing whether to negotiate with B.C. Hydro as part of the Stl'atl'imx communities, or independently.

3.2.2 Bridge River Band

(a) Consultation Efforts During 1980 -1983

The Bridge River Band expressed the following concerns with the Kelly Lake-Cheekye Project during 1980-1983:

- load forecast;
- electric system plans;
- land use; and,
- technical design of the transmission line.

The Band was also concerned about the design of the towers where the proposed lines crossed the Mission Ridge west of their Reserve land. They suggested the location of the towers could have a negative impact on agricultural land.

(b) Consultation Efforts During 1989-1991

The generally favoured route and existing transmission lines pass through the Bridge River Band's Reserve Bridge River IR1 (see Figure 3).

Initial consultation with the Bridge River Band occurred in the Fall of 1989 at a meeting with the Band Manager and two Band Councillors. The Band identified a number of concerns during the meeting which are noted later in this section.

Subsequent to the initial meeting, B.C. Hydro expressed an interest in further meetings with the Bridge River Band Council and Chief either directly or via the Lillooet Tribal Council. The response to B.C. Hydro's interest was left with the Band for consideration. On 16 October 1989 B.C. Hydro was advised that the Stl'atl'imx Council of Chiefs (Lillooet Tribal Council) including Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands would be meeting to discuss their further participation in the consultation process and a collective negotiating approach. By year end the Council had not advised on the approach they wished to take and B.C. Hydro reaffirmed interest in meeting with the Tribal Council. In February 1990 the Tribal Council confirmed that the Council would not participate in the public consultation program and offered a formal negotiating structure as an alternative approach.

Respecting the Lillooet Tribal Council and Bridge River Band's wishes, further contact with the Band was made through Tribal Council negotiations process excepting route information sent to all interested parties including the Bridge River Band (see Summary of Public Consultation for the Kelly Lake-Cheekye Project - Table 2.0 in the previous section or see Reference 1 and 2 for further details).

A meeting was held with the Bridge River Chief and Council on 20 February 1991 to obtain socio-economic information for the land use/socio-economic studies for the Project. A further meeting was held 14 March 1991 with the Councillor/Band Manager to finalize the land use and socio-economic component.

The following land use and socio-economic related concerns were identified:

- **Housing** - The Band is experiencing a high demand for housing and a chronic shortage of the necessary funding to remedy the situation. Approximately 50 new homes will be required over the next 10 years.

- **Economic Development** - There is a keen interest in economic development, with one of the main initiatives being forest management (silviculture). However, a serious shortfall in funding for economic development projects is being experienced.

- **Education** - The Band places a strong emphasis on all aspects of education and is encouraging young people to choose post-secondary fields such as forestry, biology and horticulture. It is expected that graduates of these disciplines could assist in the Band's economic development initiatives. Funding for education, however, in the Band's view is also inadequate.

- **Self-Sufficiency** - The Band has expressed a strong desire for a greater degree of self-sufficiency and to break the ties of dependency with the Department of Indian Affairs and Northern Development (DIAND).

During negotiations with the Lillooet Tribal Council, a number of items were identified by the Bridge River Band in a letter from the Band to the Lillooet Tribal Council dated 5 September 1990. In addition, B.C. Hydro identified a number of items which it understood to be concerns the Bridge River Band wished addressed. These and the concerns raised at the Fall 1989 meeting can be divided into four categories:

General:

- desire to negotiate for a 20-year renewal of existing right-of-way without involvement of DIAND. The Band suggested that access and right-of-way agreements made by DIAND were not in the best interest of the Band and that the Band previously had inadequate say in the process of securing rights-of-way.

- desire to renegotiate the 5L42 document No. 731220 affecting Bridge River Indian Reserve IR1.

Property Related:

- location of transmission towers for existing and new lines and their effect on hay fields, economic development, subdivision development, agriculture and forestry;

- alienation of residential land, in particular 5L42 which occupies a ROW on IR1 that has some potential for housing and 2L90 and 2L91 which may cross possible housing sites on IR1;

- alienation of agricultural land, particularly 5L42 which crosses some small benches used for grazing on IR1;

- value of land taken for new ROW;

- Bridge River - Kelly Lake No. 2 widening (2L90) showing 2.43 hectares occupied without agreement;

- distribution lines through IR1.

Environment Related:

- participation in discussions to determine environmental impact of hydro lines on people and animals due to EMF;

- effect of Bridge River damming, in particular:

    - low river flows and the effect on fish;
    - lack of allowance for fish or fish ladders; and,
    - loss of land, and berry picking and hunting areas;

- weed control for knapweed and thistles;

- use and resulting effects of pesticides, including herbicides, on hunting, fishing, berry picking and human health;

- preference for hand clearing of rights-of-way over chemical treatment;

- need for an evaluation of land and water resources affected by the Project: hunting, trapping, berry supply, agriculture and grazing opportunities;

- effect of transmission lines on access to fishing sites and livestock losses due to increased access into the area i.e. leaving gates open.

Economic Related:

- desire for B.C. Hydro to pay grants-in-lieu of taxes to native Bands similar to municipalities and regional districts;

- inclusion of compensation for present right-of-way and access agreements which consider limited values of the sites to the Band, in particular, developable land suitable for residential property;

- renegotiations of right-of-way agreements to reflect the change in compensation values over the past 20 years;

- clearing contracting opportunities and the training of Band members in related trade jobs;

- potential economic development opportunities of plant species and clay deposits and impact of the Project on these resources;

The Band and B.C. Hydro have not settled a small section of right-of-way acquisition for 2L90. The Band believes it has not received adequate compensation for the impacts of present rights-of-way and the related access roads located on the Reserve.

The Band is anxious to improve electrical service to the Reserve as its population is growing and there is a demand for more housing. The Band expressed a particular interest in an electricity distribution line extension on IR1 in the Antoine Creek area.

With respect to B.C. Hydro's proposed transmission line project, the Band would prefer the line to follow the existing 5L42 corridor through IR1 (with measures to minimize impact) than a new corridor immediately north of IR1 in traditional hunting and gathering territories.

The Bridge River Band (Xwisten) were part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx lands for power transmission purposes. The purpose of such negotiations is to define specific terms and conditions acceptable to both B.C. Hydro and the communities. At the time of writing this Report, no agreement had been reached.

3.2.3 Cayoose Creek Band

(a) Consultation Efforts During 1980-1983

A meeting was held with the Cayoose Creek Band on 23 October 1980 but no specific results of the meeting were identified.

(b) Consultation Efforts During 1989-1991

The generally favoured route does not cross any Reserves held by the Cayoose Creek Band, although a right of way with existing transmission line 60L20 does cross Cayoose Creek IR1. Pashilqua IR2 is crossed by an unoccupied right-of-way.

Correspondence and Project information have been conveyed to the Cayoose Creek Band since 1989, however, at the Band's request, all meetings with the Band have been arranged as part of the negotiating process with the Lillooet Tribal Council.

B.C. Hydro discussed concerns they understood were held by the Cayoose Creek Band at a meeting with the Lillooet Tribal Council on 24 and 25 October 1990. Later in November of the same year, the Chief of the Cayoose Creek Band wrote to B.C. Hydro to advise that the information B.C. Hydro had prepared and discussed with the Tribal Council "was very scarce to say the least". The items which B.C. Hydro believed to be concerns of the Band included:

Property Related:

- desire to have B.C. Hydro examine the validity of existing road access, agreements and permits;

- request for information on existing Hydro lines that are along the road and right-of-way going through Cayoose Creek IR1 and Pashilqua IR2;

- request for information as to the arrangements in place with the B.C. Highways Ministry regarding lands discussed in the previous point;

- existence of a B.C. Hydro right-of-way which has never been used on a Reserve of the Band;

- value of redressing past inequities, in particular, determining if fair market value was paid for the canal and power house site.

Environment Related:

- need for an evaluation of the impact on traditional fishing on Seton River and Cayoose Creek;

- impacts on Economic Development Potential of land use caused by canal from Seton Lake to Fraser River.

- access to irrigation water from Seton Reservoir.

Respecting the Lillooet Tribal Council and the Cayoose Creek Band's wishes, further contact with the Band was through the Tribal Council negotiation process excepting routine information sent to all interested parties including the Cayoose Creek Band (see Summary of Public Consultation for the Kelly Lake-Cheekye Project Table 2.0 or see Reference 1 and 2 for further details).

The need to complete and update the Kelly Lake-Cheekye transmission line environmental studies land use/socio-economic component warranted a further contact with the Cayoose Creek Chief and Council on 5 March 1991 to obtain additional socio-economic information.

A further land use and socio-economic meeting was held 14 March 1991 with the Band Manager. This was a brief meeting and the

Band Manager requested that another meeting be scheduled with the Chief and members of Council so that the Band's interests and concerns could be more thoroughly expressed. This second meeting had not yet been held at the time of writing this Report, however, the Band Manager was contacted regarding the Band's access to contracting opportunities originating from the Project.

During the land use and socio-economic meetings, several items were discussed briefly, including:

1. There is a high demand for more housing, approximately 25 units over the next five years. Furthermore, a shortage of suitable land for residential development is becoming apparent.

2. B.C. Hydro has a significant presence on and near Cayoose Creek Band lands. One of the concerns of the Band is that there is a need to sort out the details regarding the numerous easements and rights-of-way that B.C. Hydro has on their Reserve lands.

In addition to the concerns listed above, a major concern of the Band is the effect that the Seton Generation canal has had on its Cayoose Creek IR1 Reserve. It considers that its members were never fully apprised of the impact of the Project, and in addition were not adequately compensated for the transfer of land at the canal and the generating station site to B.C. Hydro.

With respect to B.C. Hydro's proposed Project, the Band have not stated a position or preference on the routing, however, the Lillooet Tribal Council which represented Cayoose Creek and other Bands, indicated a preference to follow existing corridors to minimize impacts rather than create a new corridor, if the project proceeds.

The Cayoose Creek Band (Sekw'elw'as) were part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx lands for power transmission purposes. The purpose of such negotiations is to define specific terms and conditions acceptable to both B.C. Hydro and the communities.

At the time of writing this report, no agreement had been reached.

3.2.4 Fountain Band

(a) Consultation Efforts During 1980-1983

A meeting was held with the Fountain Band on 23 October 1980 but no specific results of the meeting were identified.

(b) Consultation Efforts During 1989-1991

The generally favoured route does not cross any Reserves of the Fountain Band. Existing lines 2L90, 2L91, 5L41 and 60L20 do cross Fountain IR1A and IR3.

B.C. Hydro first heard from the Chief of the Fountain Band in October 1989 when the Chief advised on behalf of the Stl'atl'imx Council of Chiefs that the Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands would be meeting to discuss their participation in the consultation process and their collective negotiating approach.

B.C. Hydro wrote to the Chief in December 1989 reiterating B.C. Hydro's interest in meeting with the Lillooet Tribal Council to discuss the Project. Respecting the Lillooet Tribal Council and the Fountain Band's wishes, further contact with the Band was through the Tribal Council negotiations process excepting routine information sent to all interested parties including the Fountain Band (see Summary of Public Consultation for the Kelly Lake-Cheekye Project Table 2.0 or see Reference 1 and 2 for further details).

During negotiation discussions with the Lillooet Tribal Council the Fountain Band relayed their concerns with the Project to B.C. Hydro in a letter dated 21 September 1990.

Additional discussion took place directly with the Fountain Band during the land use and socio-economic studies. A meeting was held 13 March 1991 with a Councillor/Band Manager. A number of concerns were discussed and the Band requested that another meeting be scheduled with the Chief and more members of Council so that the Band's interests and concerns would be more thoroughly expressed. This second meeting had not yet been held at the time of writing this Report, however, the Band Manager was contacted regarding the Band's access to contracting opportunities originating from the Project.

From the consultative efforts to date, the following Fountain Band concerns have been identified by B.C. Hydro:

Property Related:

- desire to have 2L90 and 2L91 relocated. These two lines occupy a considerable amount of developable land which, if released, could be used for housing or economic development. The Band suggested that these lines (route alignment and pole placement) were located by B.C. Hydro with no concern for historical land use (existing farm land or family garden plots);

- request to know the cost of having transmission and distribution lines removed and rerouted around or on the Reserve;

- request to know B.C. Hydro's legal interpretation concerning past land matters;

- request to know B.C. Hydro's position and responsibility towards past land matters;

- examination by B.C. Hydro of the validity of existing road access, agreements and permits.

Environment Related:

- concern with the impact of the Bridge River hydroelectric plant on the local fishery;
- concern that spraying of herbicides on Hydro rights-of-way causes contamination of soil and water;
- negative impact of B.C. Hydro's activities on hunting in the area;.
- access to irrigation water from Seton Reservoir;
- impact of 2L90 and 2L91 crossing IR10, IR2, IR1A, IR3A, and IR3.

Economic Related:

- Impacts on economic development potential, in particular, 2L90 and 2L91 which are located on benchland or land with some development potential on IR10, IR1A,IR3A, and IR3.
- The Fountain Band, like many Bands in the region, is experiencing a serious housing shortage. A physical development plan is being prepared to determine the manner in which new housing should be provided, however lack of funding for housing is a major obstacle to meeting the housing needs.

With respect to B.C. Hydro's proposed Project, the Band has not stated a position or preference on the routing, however, the Lillooet Tribal Council while representing Fountain and other Bands indicated a preference for existing corridors to minimize impacts rather than a new corridor.

The Fountain Band (Xaxtl'ip) was part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx land for power transmission purposes. The purpose of such negotiations is to define specific terms and conditions acceptable to both B.C. Hydro and the communities.

At the time of writing this Report no agreement had been reached.

3.2.5 Lillooet Band

(a) Consultation Efforts During 1980-1983

A meeting was held with the Lillooet Band on 23 October 1980 but no specific results of the meeting were identified.

(b) Consultation Efforts During 1989-1991

Although the proposed transmission line project does not pass through or near the Lillooet Band's Reserves, the Lillooet Band has a number of concerns regarding B.C. Hydro's presence in the area. In addition, existing lines 2L90 and 2L91 cross the Lillooet Band's IR1.

At the outset of the public consultation process the Lillooet Band indicated that they wanted to participate with the Lillooet Tribal Council (Stl'atl'imx Nation) in its dealings with B.C. Hydro on the Kelly Lake-Cheekye Project. In September 1989 the Band Manager requested copies of Lillooet Band Agreements regarding rights-of-way from B.C. Hydro as the Band had lost their records in a fire. These were provided as were information on the Project including open house meeting dates and locations.

The interest of the Band Council and Chief in further meetings with B.C. Hydro directly or with the Lillooet Tribal Council was left for consideration of the Band. On 16 October 1989 B.C. Hydro was advised that the Stl'atl'imx Council of Chiefs (Lillooet Tribal Council) including Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands would be meeting to discuss their further participation in the consultation process and their collective negotiating approach. By year end the Council had not advised on the approach they wished to take and B.C. Hydro reaffirmed interest in meeting with the Tribal Council.

In February 1990 the Tribal Council confirmed that the Council would not participate in the public consultation program and offered a formal negotiating structure as an alternative approach.

Respecting the Lillooet Tribal Council and the Lillooet Band's wishes, further contact with the Band was through Tribal Council negotiations process excepting routine information sent to all interested parties including the Lillooet Band (see Summary of Public Consultation for the Kelly Lake-Cheekye Project - Table 2.0 or see Reference 1 and 2 for further details).

During negotiating discussions with the Tribal Council items of concern were identified by the Lillooet Band in letters to B.C. Hydro or in discussions with B.C. Hydro employees.

The Lillooet Band Chief and Council were contacted on 20 February 1991 to obtain additional land use and socio-economic information necessary for further Project study. A meeting was held on 13 March 1991 with the Band Manager to confirm this information.

The following land use and socio-economic concerns were identified by the Lillooet Band:

- **Housing** - The Band is experiencing a high demand for housing. An estimated 47 new homes are required over the next 10 years.

- **Community Development** - There is a shortage of suitable land for community development. The Band suggested that some of the Band's best developable land has been rendered undevelopable by B.C. Hydro's transmission lines (2L90, 2L91). The Band has a need for additional community services such as Band administration offices, recreation facilities, playgrounds and a community hall.

- **Employment and Education** - The employment levels of Band members have been severely affected by lay-offs at the Ainsworth Mill. The Band recognizes the need for retraining in other skills and trades and is participating in a number of programs. A strong emphasis is also placed by the Band on high school and post-secondary education.

- **Self-Sufficiency** - The Band has a goal of self-sufficiency and would like to reduce their dependency on the Department of Indian Affairs and Northern Development (DIAND).

Listed below are a number of items either identified by the Lillooet Band through discussions or letters to B.C. Hydro or understood by B.C. Hydro to be issues which the Lillooet Band wished addressed:

General:

- belief that there should be a process put in place in order that future B.C. Hydro projects may proceed, with the maximum input from the Stl'atl'imx people.

Property Related:

- request to release portion of Lillooet transmission line right-of-way (Plan 50227) over Lillooet IR1;
- request that B.C. Hydro check its records to identify other potential issues and send copies of right-of-way agreements to the Band;
- request that B.C Hydro determine the cost of relocating 2L90 and 2L91 to the dry slopes northwest of bench;
- concern with Project-related impacts, specifically the value of land taken for right-of-way;
- concern with public access and trespass via all rights-of-way;
- suggestion that B.C. Hydro is not utilizing the land of Seton Lake IR5 for the purposes for which it was originally acquired.

Environment Related:

- desire to participate in discussions to determine the impact on the Band's traditional lands, in particular, the impact on hunting, fishing, berry picking areas, medicines and health issues;

- request that B.C. Hydro determine the value of past Seton fisheries impact mitigation efforts.

- security of Reserve land is affected by access to B.C. Hydro facilities.

Economic Related:

- impacts of transmission lines on economic development potential, in particular, restricted tourist development potential as a result of B.C. Hydro's ownership of a portion of former Seton IR5;

- reduction in the developable land on the Lillooet IR1 and IR1A due to the presence of existing transmission lines 2L90 and 2L91. IR1A is shared with the Bridge River Band.

In addition to these concerns, the Band is very dissatisfied at the manner in which former Seton IR5 is being utilized by B.C. Hydro and have considered legal action to have the land returned to the Band. They would prefer to see this dispute resolved by negotiations. Furthermore, the Band is concerned that it be involved in decisions on the location and maintenance of the right-of-way because of the strong interest of its members in use of traditional plants and herbs.

With respect to B.C. Hydro's proposed Project, the Band have not stated a position or preference on the routing, however, the Lillooet Tribal Council while representing the Lillooet and other Bands, indicated a preference for existing corridors to minimize impacts rather than a new corridor, if the Project proceeds.

The Lillooet Band (Tl'atl'kit) were part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx lands for power transmission purposes. The purpose of such negotiations is to define specific terms and conditions acceptable to both B.C. Hydro and the communities.

At the time of writing this Report no agreement had been reached.

3.2.6 Mount Currie Band

(a) Consultation Efforts During 1980-1983

The Mount Currie Band expressed the following concerns with the Kelly Lake-Cheekye Project during 1980-1983:

- load forecast;
- electric system plans;
- health and safety hazards of high voltage transmission lines;
- herbicides;
- land use;
- public consultation program and the BCUC process;
- legal status of B.C. Hydro easements;
- expropriation; and,
- recreation and hunting.

During the early 1980s, Lokla IR4 was on B.C. Hydro's preferred route for the 500 kV line using the existing right-of-way.

(b) Consultation Efforts During 1989-1991

The proposed route does not cross any of the Mount Currie Band's Reserve lands; however, existing B.C. Hydro transmission lines do traverse Mount Currie IR6 and Lokla IR4 (see Figure 4).

B.C. Hydro understands that the Mount Currie Band has participated with the Lillooet Tribal Council on territorial initiatives, for example, the traditional Stl'atl'imx Nation territory. On all other matters, however, the Band has functioned independently.

B.C. Hydro has sent Project information to the Mount Currie Band throughout the consultation process and continues to include the Band on mailings of all Project information updates.

An initial meeting was held with the Chief and Council of the Mount Currie Band in October 1989 and some members of the Band attended the Phase I public consultation open house held in Pemberton (see Table 2.0) earlier that same month, prior to the meeting. The Band Council was presented with information on the need for the Project, environmental and social studies and information on public consultation as it related to route evaluation. The Council chose not to question B.C. Hydro at that time but did ask B.C. Hydro to highlight significant differences between the Kelly Lake-Cheekye Project proposed in 1980-1983 and that presently proposed.

In addition the Mount Currie Band participated in April 1990 in a public meeting and site tours of the Creekside capacitor station and expressed concern regarding polychlorinated biphenyls (PCBs).

On 23 January 1990, B.C. Hydro received a letter from the Band Chief registering an objection to plans to enter Lil'wat Nation Lands for any purpose whatsoever including plans to investigate a 500 kV transmission line. The Band advised that they will regard all encroachments on their traditional territory as trespass until such time as the Lil'wat Nation and the Federal Government arrive at a mutually acceptable accommodation by means of a treaty. B.C. Hydro acknowledged the Band's position and advised the Mount Currie Band Council of contacts made with the Lillooet Tribal Council. The Mount Currie Band did not have the Tribal Council represent the Band in negotiations with B.C. Hydro.

The Band was copied on a B.C. Hydro letter to the Lillooet Tribal Council in June 1990 which indicated that the generally favoured routing favoured at that time followed the existing 2L1 transmission line that traverses the Lokla Reserve. This was repeated in November 1990 letter which was followed up with phone calls to the Band Chief expressing B.C. Hydro's interest in meeting to discuss details regarding routing options related to the Lokla Reserve.

In February 1991 the new Chief and retiring Chief visited B.C. Hydro's office. A package of information consisting of the Project Prospectus, the Preliminary Planning Report, a set of route alternative maps, Project newsletters and background information on PCBs was provided to the new Chief. The desire for a meeting to discuss Project routing and PCB concerns of the Band was conveyed and subsequently confirmed in writing.

One further meeting was held on 11 April 1991 between B.C. Hydro's land use socio-economic consultant and the Mount Currie Band Manager. The need to obtain information regarding the land use/socio-economic component of the environmental studies and to convey Project information warranted this further contact.

The proposed route was identified by B.C. Hydro as bypassing all Mount Currie Reserves and the Band Manager was advised of this routing in the meeting on 11 April 1991. Thus neither the proposed route nor the generally favoured route would cross Mount Currie Reserves. During the 11 April 1991 meeting, Project information was provided to the Band Manager, however only a limited amount of base information was obtained regarding land use planning and socio-economic issues. Similar to most other Bands, serious concerns at Mount Currie include a shortage of housing, high unemployment levels, and a chronic shortage of funding for education and other social and economic needs.

B.C. Hydro was advised that the Mount Currie Band has a very strong commitment to self-determination and self government, and to this end, regaining control over traditional territories is its single most important goal. The Band Manager stated that for some time, the Band has been attempting to initiate serious negotiations with the Federal Government regarding these territorial demands.

The following concerns of the Mount Currie Band were identified during the course of these events:

General:

- helicopter disturbances. In late Spring 1989, the Band complained to the RCMP regarding the disturbances of helicopters in their vicinity.

Property Related:

- over use of the Band's eight hectare Lokla Reserve which is traversed by transmission lines 2L1 and 2L2, and a provincial highway and B.C. Railway line. The Band believes that the result of these developments has significantly reduced the value of this land.

Environment Related:

- opposition by the Band Council to the Duffey Lake route option;

- request for permanent removal of PCBs from the Creekside substation site;

- opposition to the transport of PCBs through the Band's property.

With respect to the proposed Kelly Lake-Cheekye transmission line project, the position of the Mount Currie Band is that B.C. Hydro is a "third party" to the dealings between the Band and government. Until such time as critical territorial issues are first settled with the government, the Band is not willing to negotiate an agreement regarding the Project.

The Mount Currie Band were not part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro.

3.2.7 Pavilion Band

(a) Consultation Efforts During 1980-1983

The Pavilion Band expressed the following concerns with the Kelly Lake-Cheekye Project during 1980-1983:

- ultimate use of the existing right-of-way;
- electric system plans;
- right-of-way clearing;
- local employment;
- land use;
- public consultation program and the BCUC process;
- legal status of B.C. Hydro easements;
- expropriation;
- recreation;
- impact of transmission line developments on hunting;
- taxation benefits to the local area; and,
- use of transmission line access roads by the public and trespass on Reserve lands.

The Band advised B.C. Hydro's consultants in 1983 that it had a dispute with B.C. Hydro over rights-of-way for 2L90 and 2L91 on the Pavilion Reserve. Later, the Band initiated legal action against B.C. Hydro but subsequently set the action aside while negotiating with B.C. Hydro to resolve outstanding concerns.

The Band was adamant that this dispute be resolved as part of the agreement on a right-of-way for the Project.

In addition, the Pavilion Band wanted to receive payment for timber stumpage. The Pavilion Band also suggested that in the future, the Band Council may wish to levy taxes on projects that use Band lands.

(b) Consultation Efforts During 1989-1991

B.C. Hydro has a major transmission line presence on the Pavilion Reserves IR1 and IR4 and surrounding lands. Furthermore, the generally favoured route for the Project crosses Pavilion IR1 (see Figure 5).

Several meetings were held with the Chief and with representation of the Lillooet Tribal Council during 1989. A number of concerns were identified during these meetings.

On 16 October 1989, B.C. Hydro was advised that the Stl'atl'imx Council of Chiefs (Lillooet Tribal Council) including Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands would be meeting to discuss their further participation in the consultation process and their collective negotiating approach. By year end the Council had not advised on the approach they wished to take and B.C. Hydro reaffirmed interest in meeting with the Tribal Council. In February 1990 the Tribal Council confirmed that the Council would not participate in the public consultation program and offered a formal negotiating structure as an alternative approach.

Respecting the Lillooet Tribal Council and Pavilion Band's wishes, further public consultation contact with the Band was through Tribal Council negotiations process excepting routine information sent to all interested parties including the Pavilion Band (see Summary of Public Consultation for Kelly Lake-Cheekye Project - Table 2.0 or see Reference 1 and 2 for further details).

Further contact was made with the Pavilion Chief and Council on 20 February 1991 for land use and socio-economic information necessary for the environmental studies for the Project. In addition, a meeting to finalize the land use and socio-economic information was held 14 March 1991 with the Chief followed by a meeting 19 March 1991 with two Councillors and the Band Manager.

Significant land use and socio-economic issues of concern to the Pavilion Band as understood by B.C. Hydro are summarized as follows:

- **Housing** - The Band is experiencing a severe shortage of housing as well as a shortage of dedicated funds for housing. At least a doubling of the housing stock is required in the next 10 years. In addition, there is a severe shortage of land suitable for development of new residential areas. The Band has recognized that a new area for residential development will have to be found in the future.

- **Community and Economic Development** - The Band requires new community facilities including a community centre, Band administration office and recreation facilities. The Band is very interested in economic development, in particular, the long-term opportunities rather than short-term contracts. However, the Band perceives that there is a lack of funding for economic development projects.

- **Education** - The Band places a strong emphasis on education on many fronts, including post-secondary, high school, basic training for drop-outs, culture and language studies. There is, however, understood to be a serious lack of funds for education.

- **Self-Sufficiency** - The Band desires a reduced dependency on the Department of Indian Affairs and Northern Development.

- **Land Claims** - The Band is one of the participants in the Lillooet Tribal Council's efforts regarding the claims on traditional territories. The Band also has some specific land issues it wishes to pursue (e.g. at Pavilion Lake).

- **Historical Grievances** - There is a sense of frustration among the Band members arising from past and current dealings with governments (federal and provincial) and agencies (e.g. B.C. Hydro, B.C. Rail). Nevertheless, the Pavilion Band, like most Bands in the study area, are willing to negotiate in good faith with agencies such as B.C. Hydro provided that these agencies and government are also willing to negotiate in good faith.

In addition to participating in negotiation discussions with B.C. Hydro via the Lillooet Tribal Council, the Pavilion Band and B.C. Hydro have signed a letter of understanding which hopefully will become the basis for settlement of the litigation with the Pavilion Band.

During negotiations with the Lillooet Tribal Council, the following items were identified by the Band or by B.C. Hydro as concerns which B.C. Hydro understood the Pavilion Band wished addressed:

General:

- desire of Band to have historical right-of-way problems including illegal trespass, compensation payments and concern with existing agreements resolved before further discussion regarding the new Project requirements. Once these historical problems are solved, the Band is prepared to listen to B.C. Hydro's proposals for renewing agreements and developing new agreements;

- request by Band to deal directly with B.C. Hydro rather than through Department of Indian Affairs and Northern Development;

Property Related:

- request for B.C. Hydro to share costs of legal counsel to prepare for property negotiations;

- desire of Band to have a master agreement for a process to negotiate right-of-ways including a renewable clause for compensation in the agreement;

- pursuit of litigation over two transmission lines (2L90 and 2L91) which the Band believes to be in trespass. The Band has a dispute with B.C. Hydro as to whether B.C. Hydro has a valid right-of-way for 2L90 and 2L91;

- desire for negotiation of compensation under existing transmission line agreements (Peace No. 2-5L42 20-year rent review);

- request to know the value of land taken for new right-of-way.

Environment Related:

- scarring of the benchland by creation of many access roads for the various transmission lines. Many of the roads could be scarified and seeded to reduce impact on grazing;

- impacts associated with transmission line projects such as poorer hunting and berry picking areas, timber taken out of production, and continual use of very limited developable land. The Band has requested an evaluation of land and water resources affected by the Project: hunting (short term disturbance), disturbance to trapping, berry supply (for up to three years).

Economic Related:

- impacts of transmission line projects on economic development potential. The transmission line corridor uses a considerable amount of benchland above the village. The northern edge of this benchland has views into the Fraser Canyon and could have been the site for recreation homes if water was available. The attractiveness of this site has been reduced significantly by the lines.

With respect to routing of the proposed 5L46 line, the Band expressed the view that the proposed bypass route would have more of an effect on the Band than if the existing corridor was used.

The Pavilion Band (Ts'kw'aylaxw) were part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx lands for power transmission purposes. The purpose of such negotiations will be to define specific terms and conditions acceptable to both B.C. Hydro and the communities.

At the time of writing this Report no agreement had been reached.

3.2.8 Seton Lake Band

(a) Consultation Efforts During 1980-1983

The Seton Lake Band expressed the following concerns with the Kelly Lake-Cheekye Project during 1980-1983:

- health and safety hazard of high voltage transmission line;
- visual impact;
- herbicides;
- ROW clearing;
- local employment;
- land use;
- public consultation program and the BCUC process;
- legal status of B.C. Hydro easements;
- expropriation;
- ROW location;
- recreation;
- impact of transmission line developments and access roads on hunting;
- taxation benefits to the local area;
- use of transmission line access roads; and,
- technical design of transmission line

(b) Consultation Efforts During 1989-1991

The generally favoured route crosses the Seton Lake Band's Reserve, Seton Lake IR5A (see Figure 6). In addition, transmission lines 5L42, 2L90, 2L91, 3L2, 2L1 and 2L2 are located on Seton Lake IR5A, and Slosh IR1.

Initial contact was made with the Seton Lake Band in September 1989 and a meeting was held with the Band Council. This was followed in October 1989 by an Open House held at the Band office. The Seton Lake Band was the only Band to respond to Hydro's offer to hold Open Houses specifically for native communities. The Band indicated it wanted to discuss a package of issues with Hydro at a future date.

The interest of the Band Council and Chief in further meetings with B.C. Hydro directly or with the Lillooet Tribal Council was left for consideration of the Band. On 16 October 1989 B.C. Hydro was advised that the Stl'atl'imx Council of Chiefs (Lillooet Tribal Council) including Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands would be meeting to discuss their further participation in the consultation process and their collective negotiating approach. By year end the Council had not advised on the approach they wished to take and B.C. Hydro reaffirmed interest in meeting with the Tribal Council. In February 1990 the Tribal Council confirmed that the Council would not participate in the public consultation program and offered a formal negotiating structure as an alternative approach.

Respecting the Lillooet Tribal Council and Seton Lake Band's wishes, further contact with the Band was through Tribal Council negotiations process excepting routine information sent to all interested parties including the Seton Lake Band (see Summary of Public Consultation for the Kelly Lake-Cheekye Project - Table 2.0 or see Reference 1 and 2 for further details).

Further contact was made with Seton Chief and Council on 5 March 1991 to obtain land use and socio-economic information. An additional meeting was held to finalize the information on 19 March 1991 with the Chief and three Councillors.

The land use and socio-economic issues discussed can be divided into six broad categories and summarized as follows:

- **Housing** - There is a high demand for immediate housing. The Band has projected a sharp growth in on-Reserve population. The Band has a severe shortage of Reserve land suitable for housing or community development. The Band has joined the pursuit of claims of traditional territories (Stl'atl'imx Nation) in cooperation with other Bands in the Lillooet Tribal Council.

- **Community and Economic Development** - The Band's options for development (housing and community facilities) are limited due to shortage of suitable lands. The Band is active in economic development planning with numerous opportunities identified. However there are a number of obstacles to be overcome before these development plans come to fruition, including what they believe to be a chronic lack of funding and financial resources.

- **Education** - The Band has a strong commitment to education and has developed a number of initiatives which are aimed at better preparing native students for the future.

- **Self-Sufficiency** - The Seton Lake Band has a goal of self-determination/self-government and an associated breaking of ties and reduced reliance on the Department of Indian Affairs and Northern Development.

- **Historical Grievances** - B.C. Hydro's generation and transmission facilities have a significant presence in the Seton Lake area. A number of related concerns were identified by the Band:

  Dams, reservoirs and generating facilities related:

  - loss of hunting, fishing and trapping values due to habitat degradation;

  - change in character of Seton Lake - water quality, fishing values, natural beach area; and,

  - generating facilities/school and housing which are built on former Reserve Lands.

Transmission line related:

  - increased access into the area resulting in poorer hunting conditions and poaching;
  - use of herbicides; and,
  - use of some of the best developable land on the Reserve by transmission lines rendering the land undevelopable.

General presence of B.C. Hydro:

  - deterioration of community relations and effective communication with B.C. Hydro and staff; and,
  - lack of employment opportunities with B.C. Hydro for Band members.

- **Future Relationship** - The Seton Lake Band is willing to deal with B.C. Hydro in the future provided that B.C. Hydro is willing to deal with the Band in good faith. Measures identified by the Band to enhance future relations include:
  - successful negotiation with B.C. Hydro (in conjunction with Lillooet Tribal Council);
  - improved ongoing communication with B.C. Hydro and community relations with B.C. Hydro staff in Seton Portage;
  - restriction of public access to traditional hunting areas by B.C. Hydro;
  - improved business relations through the supply of goods and services to B.C. Hydro by the Band, for example, transmission line maintenance contracts;

- payment of grants-in-lieu of taxes by B.C. Hydro to Indian Bands in the same manner as municipalities and Regional District are paid;
- establishment of a scholarship fund for post-secondary education;
- release of 2L1 right-of-way to the Band;
- relocation of existing lines to free up more developable land;
- improved compensation for distribution facilities; and,
- improved cooperation from B.C. Hydro to facilitate the Band's housing development projects.

In addition to those concerns expressed during the land use and socio-economic discussions B.C. Hydro understands the Seton Lake Band has the following additional concerns:

General:

- support for improvement and year-round maintenance of the Highline Road, provided this was not done until the Band had completed its development plan.

Property Related:

- strong belief by the Band that they were not adequately compensated for the flooding of their lands in the Bridge River Valley and that funds were paid to individuals and not the Band. The Band questioned the compensation for the site for the first generating plant;
- request for B.C. Hydro's position and interpretation of past transactions;

- determination if payment for IR7 represented fair market value and if fair compensation was paid to individuals for land taken for the generating plant, transmission lines, switchyards and housing. In addition, the Seton Lake Band would like to know if fair market value is reflected in right-of-way agreements;

- determination of the value of payments to redress any inequities identified in above;

- compensation for the second transmission line 3L2 (M2210A);

- the process of future negotiations for lands.

Environment Related:

- impacts of B.C. Hydro existing and proposed projects on lands used for hunting, fishing and berry picking. The Band is presently conducting baseline research on the usage of such resources by the Band;

- request by Band that an evaluation of land and water resources affected by the Project be completed. The evaluation would include: hunting, trapping, berry supply;

- impact on Seton Lake and the effect on the food fisheries (Bridge River, Seton River, Russell Creek). The Band is interested in identifying methods to enhance or restock the fishery;

- use of pesticides and herbicides by B.C. Hydro;

- loss of wildlife in the Bridge River Valley and loss of hunting and gathering opportunities resulting from the damming of the Bridge River and subsequent flooding of the river valley;

- possible loss of a fishing site as a result of Seton Lake water level fluctuations. In addition, the level of Seton

Lake is now controlled by a weir. Temperature, colour and mineral content have been changed by diversion of the Bridge River;

- alienation of agricultural land by transmission line 2L1;
- effect of effluent passed from Carpenter Lake to Seton Lake. The Band is concerned that minerals and chemicals from the Gold Bridge area mines are now passing into Seton Lake. The Band has identified a further concern with the townsite of south Shalalth and sewage which flows into Seton Lake;
- protection of traplines.

Economic Related:

- impacts on economic development potential in particular the negative effect on tourism development due to reduced opportunities for recreation, and increased visual and aesthetic impacts;
- reduced opportunities for infrastructure development due to alienation of developable land as a result of 2L2, 3L2 and the substation at Bridge;
- recover value of steep forested land taken for right-of-way;
- seek access to Project benefits.

In addition to these concerns the Band saw a need to counter what Band members perceive as the short-term perspective of the local Chamber of Commerce by a long-term plan to deal with general development pressures in the region.

With respect to this Project, the Seton Lake Band favours the new transmission line following the existing 5L42 corridor over developing a new corridor.

The Seton Lake Band (Chalath) were part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx land for power transmission purposes. The purpose of such negotiations is to define specific terms and conditions acceptable to both B.C. Hydro and the communities.

At the time of writing this Report no agreement had been reached.

3.2.9 Squamish Band

(a) Consultation Efforts During 1980-1983

During 1980-1983, the Squamish Band expressed the following concerns:

- electric system plans;
- alternate corridors that have not been studied;
- health and safety hazards of high voltage transmission lines;
- land use;
- local employment;
- public consultation program and the BCUC process;
- ROW clearing;
- technical design of transmission line;
- recreation and hunting;
- radio and television reception; and,
- audible noise.

The Squamish Band requested that B.C. Hydro move an existing 230 kV line 2L12 off the Cheakamus Reserve because agreements are lacking for 2L1 or 2L12 on the Reserve.

(b) Consultation Efforts During 1989-1991

The generally favoured route does not cross any of the Squamish Band's Reserve lands, however, 2L1 and 2L12 do cross the Band's Reserve, Cheakamus IR11 (see Figure 7).

Meetings were not held with the Squamish Band during the public consultation process although the Band did write to B.C. Hydro on

31 October 1989 to request detailed information on the extent to which any of the routing alternatives affect lands reserved for the Band. B.C. Hydro provided information in response to the Band's inquiry on 29 November 1989.

A representative of the Squamish Band attended a meeting with project staff and representatives of the North Vancouver Outdoor School (NVOS) at Squamish on 4 June 1990. The purpose of the meeting was for B.C. Hydro to update school management on the proposed "southern bypass route" which would bypass the NVOS and Cheakamus Reserve by using a route over the rock bluffs to the east of the Cheakamus River. Representatives of the NVOS and the Squamish Band responded positively to the proposal since it possibly could permit both groups to reclaim property presently dedicated to the 2L1 line. Further study of the bypass route is required to avoid conflicts with the "Wountie", a mythological site of the Squamish people located on these bluffs. Hydro's heritage consultant attempted to confer with members of the Squamish Band to locate the site to determine its cultural significance and to discuss the routing in general, but were unsuccessful. The proximity of the route to the site no longer exists due to adoption of the High Cheakamus route which is proposed in the Application. The Squamish Band had received copies of the Kelly Lake-Cheekye Preliminary Report and Project newsletters in May 1990 in which the proposed High Cheakamus routing option was discussed.

B.C. Hydro advised the Band in November 1990 of Project plans to avoid their Cheakamus Reserve.

Further contact was made with the Band on 5 March 1991 to obtain socio-economic information for additional studies for the Project. It was not possible for the Band to meet at that time.

The Band did not express their views, concerns and preferences during the project studies and the public consultation process. Attempts to meet with the Band in late 1990 and early 1991 were unsuccessful. One of the Chiefs advised that other priorities took precedence but he would attempt to schedule a future meeting between Hydro and the Band's Economic Development Committee. At the time of writing this report the meeting had not yet taken place.

Based on this limited contact and no direct input from the Band, B.C. Hydro speculates that the Squamish Band's concerns associated with the Kelly Lake-Cheekye Project might include:

Property Related:

- concerns with the right-of-way over Cheakamus IR11 for the transmission line 2L1;
- concerns with the right-of-way over Cheakamus IR11 for the transmission line 2L12;
- future relationship with B.C. Hydro regarding transmission line and other electricity needs.

Environmental Related:

- use of herbicides;
- effects of electric and magnetic fields;
- opening of new right-of-way in areas of land claimed by Squamish people.

3.2.10 Whispering Pines Band

(a) Consultation Efforts During 1980-1983

Meetings were not held with the Whispering Pines Band during 1980-1983.

(b) Consultation Efforts During 1989-1991

The Whispering Pines Band was affected by earlier transmission lines built in the early 1970s as they held the Reserve site where the existing Kelly Lake substation is located near Clinton. This Reserve site was exchanged in 1972 for their current Reserve near Kamloops.

The Whispering Pines Band belongs to the Shuswap Nation. While Band members now live north of Kamloops, they maintain title to Kelly Creek IR3 at the Fraser River, and use this site as a fishing station. There are no permanent residents at this site.

During the socio-economic environmental studies it was determined that the lands at the north end of the study area were historically used, and continue to be used, by Band members for a variety of activities, including fishing, hunting and berry picking. Archaeological evidence of past activities exists throughout the area.

The Whispering Pines Band was first contacted in January 1990 when B.C. Hydro became aware that the Kelly Creek IR3 was owned by the Band.

A letter and all background information was sent to the Chief following a call to the Band office. All subsequent Project information was sent to the Band.

Further contact was made with the Whispering Pines Council on 5 March 1991 to obtain socio-economic information for further environmental studies. A meeting was held 9 April 1991 with the Band Chief to finalize the land use and socio-economic information.

The Band has not commented or questioned the Project plans and studies as of the time of writing this Report. It is possible that they may have an interest in the Bridge route alternative.

Concerns of the Band regarding B.C. Hydro's historical and current presence in their traditional area include:

- environmental impacts of existing and proposed transmission line (e.g. EMF effects, impacts of clearing, degradation of wildlife habitat, spread of knapweed and other noxious weeds due to increased access);

- need for an environmental monitoring system to assess the environmental impacts of transmission lines;

- re-examination of the original agreement of transfer of Clinton IR2 and IR2A;

- exploration with B.C. Hydro of opportunities for production of electricity from small hydro projects;

- interest by Band members (and other Bands within the Shuswap Nation Tribal Council) in employment opportunities associated with transmission line construction and maintenance;

- resource management planning of traditional lands; and,

- taxation of land and improvements (including utilities) within traditional lands.

With respect to the Project, the Whispering Pines Band did not state a preference for the proposed route bypassing Indian Reserves or the generally favoured route through the Reserves of other Bands.

3.2.11 Lillooet Tribal Council

(a) Consultation Efforts During 1980-1983

Meetings with the Lillooet Tribal Council or staff were held on 22 November 1980, 9 January 1981, 17 March 1981 and 30 November 1981. At the Pemberton Public meeting, the Lillooet Tribal Council suggested that an independent inquiry should be held into the provision of energy within the province.

(b) Consultation Efforts During 1989-1991

The Lillooet Tribal Council has maintained active interest in the Kelly Lake - Cheekye Project since early in the public consultation process. Representatives of the Council accompanied the Chief of the Pavilion Band during discussions with B.C. Hydro regarding historical grievances and concerns. The Bands represented by the Lillooet Tribal Council encouraged B.C. Hydro to resolve issues with the Pavilion Band as a demonstration to the Council of its good faith in resolving these concerns.

The Council representatives suggested a willingness to discuss Project-related matters once progress had been made toward resolving past grievances.

On 16 October 1989, B.C. Hydro was advised that the Stl'atl'imx Council of Chiefs (Lillooet Tribal Council) including Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands would be meeting to discuss their further participation in the consultation process and their collective negotiating approach. By year end the Council had not advised on the approach they wished to take and B.C. Hydro re-affirmed interest in meeting with the Tribal Council. In February 1990, the Tribal Council confirmed that the Council would not participate in the public consultation program and offered a negotiating structure as an alternative approach.

Representatives of these six Bands within the Lillooet Tribal Council have met with B.C. Hydro. The Council expressed that they wanted progress in addressing past grievances with B.C. Hydro in the negotiating process prior to addressing Project related issues. B.C. Hydro understood that they do not wish to obstruct Project needs and British Columbia's energy needs if there is a demonstrated commitment by B.C. Hydro and progress toward resolving past concerns.

In finalizing the land use and socio-economic component of the environmental studies, meetings were held with Tribal Council staff, including their Community Planner on 13 March 1991, and Economic Development Officer on 14 March 1991.

The highlights of the information provided are summarized as follows:

- **Community and Economic Development** - Comments and concerns include:
    - housing shortages and projected high housing demands in the future;
    - shortages of land suitable for community development;
    - significant needs for community facilities such as Band administration offices, recreation facilities, community halls, sanitary land fills, and other community services;
    - the Lillooet Tribal Council participates with Bands in a number of economic development and education programs;
    - there are numerous opportunities for economic development and initiatives in this direction are being taken by the Bands;
    - basic needs to facilitate economic development include:
        - better education and training (hampered by lack of funding);
        - improved level of basic community services and housing;
        - better access to capital funding for new ventures (i.e. banking system).

- **Education** - Education, language and cultural training are very important to all the Bands and are viewed as an important element in working towards economic self-sufficiency.

- **Self-Sufficiency** - Bands of the Lillooet Tribal Council want to be self-sufficient and less dependent on the Department of Indian Affairs and Northern Development.

- **Historical Grievances** - Common concerns of many of the Bands include:

    - transmission lines on Reserves rendering developable land unsuitable for housing and community development; this is a particularly serious problem for several Bands where developable land is scarce;

    - impact on hunting and fishing due to degradation of natural habitat;

    - use of herbicides - the Bands prefer hand clearing methods; and,

    - environmental impact of transmission lines (e.g. water quality).

The Council's Community Planner contributed to the development of B.C. Hydro sponsored local area Contracting Opportunities Workshops held in Lillooet on 26 June and in Pemberton on 27 June 1991.

In addition to the above highlights, other concerns were raised by the Tribal Council in discussions, including:

General:

- desire to resolve issues and conclude negotiations quickly.

Property Related:

- desire for past grievances to be dealt with prior to or concurrent with Project impacts;
- requirement of sufficient compensation in order for Bands to participate in discussions;
- differences of understanding between Bands and Hydro relating to right-of-way agreements/permits on Reserve lands;
- alleged instances of trespass by B.C. Hydro facilities;
- lack of action or success in resolving compensation for right-of-way access due to lack of agreement on the process or terms for settling compensation.

Environment Related:

- preference for the generally favoured route through Pavilion, Bridge River and Seton Reserves;
- opposition to proposed route alternatives bypassing Bridge River, Pavilion and Seton Reserves due to environmental impacts on their Traditional Lands.

As stated previously, the Lillooet Tribal Council believes the best route if the line is built is to follow the alignment of the existing corridor and strongly opposes any of the alternative routes which bypass Reserves. The Lillooet Tribal Council advised that these alternate routes pass through traditional territory of the Stl'atl'imx Nation and are used by native people for hunting, trapping, gathering medicinal herbs and berry picking.

Discussions with the Tribal Council occurred on numerous occasions in 1990 and 1991. Further details are not described in this report as they are the subject of confidential negotiations.

Six Bands of the Lillooet Tribal Council, the Bridge River, Cayoose Creek, Fountain, Lillooet, Pavilion and Seton Lake Bands were part of the Northern Stl'atl'imx communities' 21 June 1991 offer to undertake land use negotiations with B.C. Hydro for use of the Stl'atl'imx lands for power transmission purposes. The purpose of such negotiations is to define specific terms and conditions acceptable to both B.C. Hydro and the communities.

At the time of writing this Report no agreement had been reached.

3.2.12 Other Interested Parties

During the public consultation process, several interested parties communicated with B.C. Hydro regarding routing on Reserves and other native related matters. These included government agencies, local non-native residents, municipal government and others. These communications identified the following points:

(a) Yalakom Society

On several occasions the Yalakom Society encouraged B.C. Hydro to negotiate with the Bands to allow the proposed transmission line to follow the existing right-of-way and thereby avoid the Bridge alternative through the Antoine Creek area.

(b) Apple Spring Creek Residents

In a January 1991 letter and via several later letters, B.C. Hydro was encouraged to continue negotiations with the Bands along the existing right-of-way to eliminate the need for a new right-of-way in their area.

(c) Ministry of Energy, Mines and Petroleum Resources

Advised B.C. Hydro of the Federal Environmental Assessment and Review Office (FEARO) request that B.C. Hydro contact the Department of Indian Affairs and Northern Development to inform them of past and ongoing discussions between B.C. Hydro and the Bands located along the prospective routes for the Project.

(d) Ministry of Native Affairs

Advised B.C. Hydro to include the Whispering Pines Band in its Project communications in January 1991.

(e) Village of Lillooet

Advised of ongoing recreational development interests in property owned by B.C. Hydro known as former Seton IR5.

3.3 SUMMARY OF COMMENTS AND CONCERNS

Based on the contacts and communications held with the Bands and the Lillooet Tribal Council as described in the foregoing pages, Tables 4 and 5 were prepared as a summary of native peoples' concerns. Several points warrant highlighting:

- Generally, the Bands and the Lillooet Tribal Council prefer to see that concerns over past grievances are settled before the Project is discussed. There is a willingness to learn about the proposed Project and discuss impacts of the proposed Project if B.C. Hydro demonstrates a willingness to address these grievances.

- Bands and the Lillooet Tribal Council want to be assured that their concerns, participation or negotiation with B.C. Hydro concerning the Project and/or past grievances would not prejudice their land claims now or in the future.

- Bands share a common concern regarding the alleged health effects of electric and magnetic fields.

- Bands generally oppose the use of chemical herbicides on the transmission line rights-of-way and in particular, on Reserves.

- Bands and the Lillooet Tribal Council have expressed the view that they favour utilizing the existing transmission line corridor over developing a new corridor because of its lesser environmental impacts. However, this support is contingent on reaching a settlement with B.C. Hydro. Use of the existing corridor would maintain and protect scenic and wilderness areas in the Bands' traditional territories. Bands that will be affected by the Project support the release of the existing 2L1 right-of-way on Reserves where it is not to be used.

- Several Bands have questioned the need for the Project (Project rationale).

- Concerns were raised whether the Project would convey Alcan generated electricity to the Lower Mainland or, in particular, the U.S. export market.

- Several Bands have expressed frustration with the process of negotiation and the compensation for existing rights-of-way and the desire for fixed term, agreements with renewable compensation.

KELLY LAKE - CHEEKYE PROJECT NATIVE OVERVIEW
TO JUNE 1991

Table 3

Item	Anderson Lake	Bridge River	Cayoose Creek	Fountain	Lillooet	Mt. Currie	Pavilion	Seton Lake	Squamish	Whispering Pines
B.C. Hydro Facilities on Reserves										
☐Circuit 5L42	✓	✓				✓	✓	✓		
☐Other Existing	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Alternative Generally Favoured Route Through Reserve	✓	✓					✓	✓		
Existing Circuit 2L1 to be removed through Reserve	✓							✓	Possibly	
Past Grievances										
☐Re: ROW	✓	✓	✓	✓	✓	✓	✓	✓	✓	
☐Re: Other Facilities		✓	✓	✓	✓	✓	✓	✓	?	
Public Consultation Participation Status	Partial	Via LTC	Via LTC	Via LTC	Via LTC	No	Via LTC	Partial Phase I, the rest Via LTC	No	No
Negotiation Status										
☐Independent	✓					No Progress	✓		No Progress	No
☐Collectively via Lillooet Tribal Council (LTC)	No	✓	✓	✓	✓	No	✓	✓	No	No
☐Collectively via Stl'atl'imx Communities	?	✓	✓	✓	✓	?	✓	✓	No	No

TABLE 4

KELLY LAKE - CHEEKYE
SUMMARY OF CONCERNS COMMUNICATED TO B.C. HYDRO 1980-83

NATURE OF CONCERN

Environmental Impacts

Audible noise
Effect on water supply
Herbicides
Land use
Radio and television reception
Recreation and hunting
Use of transmission line access roads
Visual impact

Rights-of-Way

Expropriation
Legal status of B.C. Hydro easements
Right-of-way clearing
Right-of-way location
Technical design of transmission line
Ultimate uses of existing right-of-way

Health

Health and safety hazards of high voltage transmission lines

Economic

Local employment
Taxation benefits to local areas

Communication

Independent Inquiry
Public consultation program and BCUC process

Other

Alternate corridors that have been studied
Creekside substation
Electric system plan
Load forecast

TABLE 5

KELLY LAKE - CHEEKYE
SUMMARY OF CONCERNS COMMUNICATED TO B.C. HYDRO 1989-91

NATURE OF CONCERN

Environmental Impacts

Archaeological sites
Berry picking
Changes in character of lakes
Hiking trails (visual)
Land use
Reduced Fish values (Bridge River)
Reduced hunting areas and values
Wildlife

Rights-of-Way

5L46 non-Reserve routing
Access limitation
Agreements with renewable compensation
Dist. Line removal/relocation
Right-of-way access agreements
Transmission line removal/relocation
Vegetation management

Health

Effluent to Seton Lake
EMF (Electric and Magnetic Fields)
PCBs (Polychlorinated Biphenyls)

Economic

Education
Employment
Future development
Free electricity or service extension
Housing
Irrigation water
Self-sufficiency
Training programs

Communication

BCH contacts with Bands
Future relationship
Settle historic issues before new
Without prejudice to claims

Other

Alcan transmission
BCH records check
BCH responsibility to past land matters
Compensation for historic impacts
Cultural retention
DIAND's involvement
Funding for impacts research
Grants in lieu of taxes
Legal interpretation of past land matters
Litigation of transmission ROW
Power export
Taxation

SECTION 4 - ANALYSIS AND RESPONSE

4.1 INTRODUCTION

The findings reported in Section 3 can be categorized into general concerns (common to several or all Indian Bands) and those which are Band specific. Section 4.2 presents the General Concerns and B.C. Hydro Response followed by Section 4.3 Band Specific Concerns and B.C. Hydro Response in general, property related, environmental related and economic related categories. In this Section, the term "Response" is B.C. Hydro's comment in response to the concern raised. Section 4.4 presents several B.C. Hydro concerns which arose during the consultation process and the Project team's response.

Again, it should be noted, that the information conveyed is based on limited correspondence and communications with Bands in the study area. The B.C. Hydro responses shown do not reflect review, comment or confirmation by each Band or the Lillooet Tribal Council. The information presented is B.C. Hydro's interpretation of the views expressed by the Bands during the consultation and/or Project study process. As was stated in earlier sections of the report several Bands chose not to participate in the public consultation process.

A copy of this report will be distributed to each Band referred to herein as well as the Lillooet Tribal Council for their review.

4.2 GENERAL CONCERNS AND B.C. HYDRO RESPONSE

4.2.1 Common Concerns of Stl'atl'imx Nation Bands

Item	B.C. Hydro Response
1. Settlement of past agreements and grievances	
The Lillooet Tribal Council and Member Bands have stated that unresolved grievances must be resolved.	B.C. Hydro agrees to work with the Bands and Council to identify these grievances and facilitate their resolution.
The Lillooet Tribal Council and Member Bands want right-of-way agreements resolved.	B.C. Hydro will commit resources to this end.
The Lillooet Tribal Council further stated that progress must be made on these grievances and agreements **before** Kelly Lake - Cheekye Project concerns are addressed.	B.C. Hydro will attempt to establish a common understanding of these concerns with the Council and define a schedule for resolution which will enable discussions and negotiations on Kelly Lake - Cheekye Project rights-of-way to proceed.
2. Legal, environmental impact studies and other research	
The Lillooet Tribal Council and Bands advised that they may have legal costs, study requirements and other research needs to: • prepare for negotiations • understand and discuss Project impacts	B.C. Hydro will review specific requests as received.
3. Working Relationship	
The Lillooet Tribal Council advised that there should be a process put into place in order that future B.C. Hydro activity proceeds with maximum input from Council and Bands.	B.C. Hydro agrees that a process for resolving future concerns should be defined and is committed to building a solid business relationship with the Council and the Bands.

Item		B.C. Hydro Response
	The Lillooet Tribal Council suggested that establishing a good working relationship today will provide an opportunity to resolve issues that arise in the future.	B.C. Hydro would also like to see a relationship that encourages negotiated solutions to concerns as opposed to confrontation.
4.	**Negotiating Process and Terms**	
	The Lillooet Tribal Council and Bands will negotiate directly with B.C. Hydro.	B.C. Hydro will negotiate with affected Bands directly or at their request through the Tribal Council and/or collectively via the Northern Stl'atl'imx communities. B.C. Hydro would also like to have right-of-way agreements that clearly delineate the means of defining compensation at future intervals.
5.	**Grants to Municipalities and Taxation**	
	Some Bands and the Lillooet Tribal Council believe the grants in lieu of taxes which B.C. Hydro pays to municipal and regional governments prejudice native government. Some Bands are more directly affected by B.C. Hydro Projects than municipalities that are paid grant monies.	B.C. Hydro recognizes that native governments have not been included in the definition and disbursement of grants in lieu of taxes process developed by the B.C. Government. Taxation is not an area of B.C. Hydro jurisdiction, however B.C. Hydro is willing to explain the basis of grants in lieu of taxation to the Council and the Bands. See also Section 4.4, Item 3 and Section 6.9.2, Item (e) following.
6.	**Without Prejudice**	
	The Lillooet Tribal Council and Bands have stated that negotiation with B.C. Hydro would be without prejudice to their land claims now or in the future.	See Section 1.3 Approach to Consultation, paragraph 2. B.C. Hydro has no jurisdiction or authority regarding land claims. B.C. Hydro accepts that negotiations proceed on a without prejudice basis. B.C. Hydro will seek further assurances from the B.C. Ministry of Native Affairs at the request of the Tribal Council or Bands.

Item	B.C. Hydro Response
7. Health Effect of EMF	
Bands and the Lillooet Tribal Council are concerned about electric and magnetic field (EMF) effects on health, land use and property devaluation resulting from existing and new transmission lines.	B.C. Hydro will provide the Bands with the current information on EMF upon request. B.C. Hydro was advised in 1989 by the BCUC that there was insufficient evidence to support presumption of an actual health risk. This conclusion held for effects: - Within residential areas due to distribution wire configuration and measured magnetic fields; - Within occupational categories due to implied exposure to EMF at work; - Within residences close to high voltage transmission lines; B.C. Hydro is monitoring new information and study results. To date there has been no conclusive evidence to support the presumption of an actual health risk. For further information see Section B.1 Electric and Magnetic Field (EMF) Effects in the Response Document, Reference 6.
8. Herbicide Use	
Bands oppose the use of herbicides on transmission line rights-of-way.	B.C. Hydro will not use herbicides on rights-of-way for vegetation control without property owner agreement. This applies on Indian Reserves where herbicides will not be used without approval of the Band. See also B.C. Hydro's response re Section B.10 Vegetation Management (Application of Herbicides) contained in Response Document, Reference 6 and see Section 6.6 of this report.

Item	B.C. Hydro Response
9. Project Rationale	
Project rationale as it applies to Alcan generated electricity and the U.S. export market.	The need for this transmission line is not directly related to the Kemano Completion Project. The line is required to serve increased electrical demand in the Lower Mainland and Vancouver Island to provide system flexibility and increase transmission line efficiency, and provide power. See also B.C. Hydro's Response, Section B.12 Project Rationale contained in the Response Document, Reference 6.
10. Right-of-Way Negotiation	
Frustration with right-of-way negotiation process and compensation.	Indian Bands are not unique in their frustration with perpetuity agreements and the negotiating process. Similar concerns were raised by property owners on the Williston-Kelly Lake Project now under construction. B.C. Hydro is not prepared to re-open existing agreements except where mutually beneficial improvements to the business relationship between B.C. Hydro and the property owner can be negotiated. Individual Bands should contact B.C. Hydro's Properties Division to discuss.
11. Transmission Lines on Reserves	
The Bands are concerned about the number and location of existing transmission lines on their Reserves and the Project additions proposed.	B.C. Hydro expects to discuss existing and proposed transmission line impacts with Bands during negotiations for new rights-of-way. See also Section 4.3 for Band specific concerns.
12. Impact on Hunting and Fishing	
The Bands are concerned about the impact of existing transmission lines and other facilities and the Project impacts on hunting and fishing.	B.C. Hydro expects to discuss impacts on hunting and fishing with Bands during negotiations for new rights-of-way. See also Section 4.3 for Band specific concerns.

Item	B.C. Hydro Response
13. **Environmental Impact**	See B.C. Hydro's Response re Section B.2 Environmental Impacts contained in the Response Document, Reference 6. See also Section 4.3 Environmental Related for Band specific concerns.

4.3 BAND SPECIFIC CONCERNS AND B.C. HYDRO RESPONSE

4.3.1 Anderson Lake

Item	B.C. Hydro Response
General	
1. Need for more detailed information on previous letter of understanding.	B.C. Hydro provided more detailed information to the Chief and Council in a letter dated 3 July 1991.
Property Related	
1. Land Exchange	This is the subject of confidential negotiations.
2. Right-of-way maintenance and clearing contracts and training.	The Band has had maintenance contracts. B.C. Hydro held a contracting opportunities workshop in Pemberton in June 1991 to familiarize interested contractors with B.C. Hydro's tendering processes, contracting requirements and safety requirements.
3. Use of rights-of-way (ROW) for tree farming.	B.C. Hydro encourages the use of its fee owned rights-of-way for secondary purposes where feasible. One secondary use approved by B.C. Hydro is Christmas tree farming.
4. Use of reserve property for new transmission line and the preference for using existing ROW.	The Project would use a right-of-way with less impact than the 2L1 right-of-way which would be released to the Band.
5. Details of right-of-way agreement for 2L1 ROW.	Sent to Band on 3 July 1991.
6. Transmission line routing in the Pemberton Valley.	Details to be provided in Regional Information Centres in late November 1991. Basic information was conveyed at meeting held in Anderson Lake Community Hall.
7. Request for copy of 2L1 ROW agreement, confirmation of PCB analysis of Devine Substation, copies of correspondence between Band and B.C. Hydro since the Fall of 1989, study on feasibility of not using IR for routing line.	Information was sent to the Band on 3 July 1991.

Item	B.C. Hydro Response
Environmental Related	
1. Potential conflict between the Band's plans for a water intake and the B.C. Hydro ROW.	B.C. Hydro does not believe there would be a conflict for intake on Blackwater River.
2. Possible infringement of future ability to divert water from the Blackwater River for irrigation purposes.	There would be no infringement on diversion capability.
3. Potential contamination of Devine Substation site.	Site has been tested for PCBs and determined to be safe. Results were sent to Chief and Council in letter dated 3 July 1991.
Economic Related	
1. ROW maintenance and clearing contracts.	Anderson Lake Band is participating in tendering processes and in training programs for potential workers. Anderson Lake Band participated in the 27 June 1991 local area contractors workshop in Pemberton.
2. ROW use for Christmas tree farming.	B.C. Hydro encourages the use of its ROWs for growing Christmas trees and other low growing vegetation. Where interest is expressed by the Band for tree farming, B.C. Hydro will try to accommodate the Band's interests.
3. Interest in three phase power for a sawmill and for a commercial trout farm.	Chief and Council were advised on 13 March 1991 that three phase proposal was an uneconomic extension. Pursuit of other power sales with other clients in the area to firm up load to justify the extension have not been successful. Band has option to pay extension costs.
4. Potential conflict of ROW alignment alternatives and community plan, tourism potential and economic development in the valley bottom.	Proposed right-of-way avoids valley bottom and reduces visual impact in community and along highway. Removal of Line 2L1 in D'Arcy area will enhance community planning flexibility. The proposed alignment for 5L42, parallel to 3L2 will release property in the Nequatque Reserve. Specific concerns identified by the Band regarding right-of-way alignment will be addressed by B.C. Hydro.

4.3.2 Bridge River Concerns

Item	B.C. Hydro Response
General	
1. Desire to negotiate a right-of-way without involvement of DIAND.	B.C. Hydro is willing to negotiate the compensation renewal with the Band but understands that DIAND will need to be involved in the process according to the Indian Act.
Property Related	
1. Band wishes to discuss a 20 year renewal of right-of-way without initial involvement of DIAND.	B.C. Hydro is willing to negotiate the new rental with the Band and understands that when agreement is reached with the Band that the Band must then pass a Band Council Resolution and inform DIAND, who will then formally fix rent in accordance with the agreement.
2. Band wants to renegotiate the 5L42 document No. 731220 affecting Bridge River IR1.	B.C. Hydro has no record of Document No. 731220. Circuit No. 5L42 is shown in agreement IP.70892. The agreement is part of the Bridge River report prepared for the Band by B.C. Hydro. B.C. Hydro would appreciate receiving a copy of document No. 731220.
3. Access and right-of-way agreements made by DIAND are not in the best interest of the Band.	The role of DIAND is outlined in the "Indian Act". B.C. Hydro has dealt with DIAND in accordance with its obligations under the Indian Act.
4. Bridge River - Kelly Lake No. 2 widening (2L90) showing 2.43 hectares occupied without agreement.	B.C. Hydro is ready and has offered to negotiate this outstanding matter but was advised that the Band wished to negotiate via the Northern Stl'atl'imx community.
5. Value of land taken for Project right-of-way.	See Section 4.4 of this report. See also Section B.8 mitigation and compensation in the Response Document, Reference 6.
6. Location of transmission towers for existing and new lines and their effect on hay fields, economic development, subdivision development, agriculture and forestry.	If the Project is approved, B.C. Hydro will discuss the location of towers with individual property owners, including Indian Bands. See also the Response Document, Section B.6 Future Use of 2L1 Right-of-Way, Reference 6.

Item	B.C. Hydro Response
7. Alienation of residential land in particular, 5L42 which occupies a ROW on IR1 that has some potential for housing and 2L90 and 2L91 which may cross possible housing sites on IR1.	It is recognized that 5L46 would require use of some land with development potential for housing. This would be compensated for. B.C. Hydro expects to discuss concerns with other ROWs in negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.
8. Alienation of agricultural land, particularly 5L42 which crosses some small benches used for grazing on IR1.	B.C. Hydro considers a transmission line right-of-way to be an appropriate location for grazing cattle and will sow grass on the new transmission line right-of-way and will facilitate adjacent land use.
9. Distribution lines through IR1.	B.C. Hydro is not aware of any outstanding concern with respect to distribution lines on Bridge River IR1. B.C. Hydro will review any concerns which are brought to the attention of the Lillooet office.
Environmental Related	
1. Impacts on the physical environment range from the damming of the Bridge River with no allowance for fish or fish ladders, to the loss of land, and berry picking and hunting areas.	The Bridge River was initially dammed in 1926. When the Terzaghi Dam was built no allowances for fish or fish ladders were included. The greatest loss of land occurred after 1958 when the higher dam was constructed. Land areas were lost by the flooding of the Bridge River Valley. B.C. Hydro has no documentation on specific hunting or berry picking areas which were affected.
2. The damming of the Fraser River, causing low flows, concern for the fish.	B.C. Hydro does not operate a dam on the Fraser River and has no future plans to dam the Fraser River.

Item	B.C. Hydro Response
3. Environmental impact of Hydro lines on people and animals. Participation in discussions to determine these environmental impacts.	See Items 9 and 10 of the Environmental Related Section following. See also the Response Document, Section B.1 EMF Effects, Reference 6. Transmission line rights-of-way can provide positive environmental impacts by developing open land for browse and grazing areas for animals, access for hunting and berry picking. Discussions have occurred at meetings and in negotiations. Studies to date have not shown a connection between the proximity of transmission lines and deleterious health effects on humans or animals. A B.C. Hydro Project representative would be pleased to explain the Project and discuss potential impacts.
4. Weed control Knapweed/thistles	B.C. Hydro does not specifically undertake control for knapweed or thistles along their rights-of-way since they do not own the land, but supports local Regional Districts, the Ministry of Agriculture and the Ministry of Forests knapweed control programs. To reduce the spread of knapweed due to the construction of the new transmission line, B.C. Hydro will require all contractors working on the line to clean their vehicles and equipment when moving from an infested area to an uninfested area. Signs will be placed at the beginning and end of each infested area to educate other users of the right-of-way to stop the spread of knapweed.
5. Distribution lines going through Bridge River IR1.	The Band members are the major beneficiaries of the distribution line. The nature of the grievances of the Band have not been clarified.

Item	B.C. Hydro Response
6. The use of pesticides and herbicides to control vegetation and effects on hunting, fishing, berry picking and health.	B.C. Hydro is unaware of any documented contamination in the study area. No herbicides will be applied on Reserve property without consent of the Band. Current vegetation management strategies on transmission line ROW's favour hand methods, biological control or species specific herbicide application. Herbicides could be applied to the cut stumps of problem vegetation such as Red Alder, Birch, Cottonwood, Big Leaf Maple and Douglas Maple. All low-growing vegetation would remain untouched. Only vegetation which could present a safety hazard would be treated. No herbicides would be applied to soil. At dam sites and substations, B.C. Hydro is continuing to study methods of vegetation control other than herbicide application that would reduce reliance on herbicides. Resurfacing of sites with asphalt, limestone gravel or dense growing grass are some of the methods under study. Until site-resurfacing improvements are in place, herbicides will still be used on B.C. Hydro property. Soil sterilant will be applied on a spot application basis to control specific persistent weed problems and not to the whole site. No herbicides will be applied within 10 m of any water body. B.C. Hydro will advertise vegetation control plans on rights-of-way in local newspapers prior to applying for pesticide use permits.
7. Effect of Bridge River damming, in particular: - low river flows and the effect on fish; - lack of allowance for fish or fish ladders; and, - loss of land, and berry picking and hunting areas.	Damming of Bridge River has prevented upward migration of salmon and lack of compensation flow has reduced spawning opportunities in Bridge River. Hunting and berry areas were flooded in the Bridge River Valley.

Item	B.C. Hydro Response
8. Preference for hand clearing of rights-of-way over chemical treatment.	B.C. Hydro utilizes this technique and other non-chemical vegetation control practices and is attempting to reduce its dependance on herbicides. B.C. Hydro no longer uses aerial spraying for vegetation control.
9. Need for an evaluation of land and water resources affected by the Project: hunting, trapping, berry supply, agriculture and grazing opportunities;	B.C. Hydro has undertaken detailed studies to determine the effects of this Project on both the social and biological environment. B.C. Hydro does not anticipate initiating further study of these concerns as a part of its environment study. B.C. Hydro expects to discuss these concerns in negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.
10. Effect of transmission lines on access to fishing sites and livestock losses due to increased access into the area i.e. leaving gates open.	B.C. Hydro will work with affected Bands to minimize uncontrolled access to Reserve property through B.C. Hydro's rights-of-way (double locking gates, provision of cattle guards, etc.).
Economic Related	
1. Impacts on Economic Development Potential.	B.C. Hydro is willing to meet the Band to determine its development interests and discuss how the Band can access contracting opportunities originating from the Project. B.C. Hydro held a Contracting Opportunities workshop in Lillooet in June 1991 to familiarize interested contractors with B.C. Hydro's tendering processes, contracting requirements and safety requirements.
2. Alienation of residential land. 5L42 does occupy a ROW on IR#1 that has some potential for housing. 2L90 and 2L91 may cross possible housing sites on IR1.	B.C. Hydro recognizes that there is considerable pressure for the Band to develop additional housing for Band Members and that housing development potential is constrained by the presence of transmission line rights-of-way.
3. Alienation of agricultural land. 5L42 crosses some small benches used for grazing on IR1.	No impact on grazing is anticipated. These benches were irrigated at one time but are not presently. Impacts on agricultural land is negligible except for tower bases.

Item	B.C. Hydro Response
4. Use of agricultural land and residential lands.	B.C. Hydro recognizes that existing transmission line 5L42 and the proposed line 5L46 crosses about 1.5 km of land in IR1 on the south side of the Bridge River, some of which may have potential for rural residential development, grazing, and improved pasture.
5. Desire for B.C. to pay grants-in-lieu of taxes to native Bands similar to municipalities and regional districts.	See Response under Section 4.2.1 Common Concerns, Item 5.
6. Inclusion of compensation for present right-of-way and access agreements which consider limited values of the sites to the Band, in particular, developable land suitable for residential property.	See Response Document, Section B.8 Mitigation and Compensation, Reference 6.
7. Renegotiations of right-of-way agreements to reflect the change in compensation values over the past 20 years.	B.C. Hydro will not open existing right-of-way agreements unless it is in the interests of both parties. See also Right-of-Way Negotiations Item 10, Section 4.2.1 Common Concerns.
8. Clearing contracting opportunities and the training of Band members in related trade jobs.	B.C. Hydro held two Contracting Opportunities workshops, in Lillooet and Pemberton to allow interested contractors to understand B.C. Hydro's tendering processes, contracting requirements and safety requirements. If the Project is approved at least one further contractors forum will be held prior to release of tenders.
9. Potential economic development opportunities of plant species and clay deposits and impact of the Project on these resources.	B.C. Hydro has no information on these resources on the Band's Reserve.

4.3.3 Cayoose Creek Band

Item	B.C. Hydro Response
General	
Property Related	
1. Desire to have B.C. Hydro examine the validity of existing road access, agreements and permits.	B.C. Hydro examined agreements and permits for various transmission lines. All permits appear valid. If the Band has specific queries or concerns B.C. Hydro would be pleased to investigate and respond.
2. Request for information on existing Hydro lines that are along the road and right-of-way going through Cayoose Creek IR1 and Pashilqua IR2.	B.C. Hydro provided a summary report for the Cayoose Creek Band including copies of legal documentation for the affected lines. B.C. Hydro has included copies of legal documentation for these lines, except for two 60 kV transmission lines (60L20 and 60L21). The files for these lines have only recently been located and agreements will be forwarded. It appears the right-of-way was paid for (to DIAND). However, DIAND never issued the required permit. If the Band would outline its queries or concerns B.C. Hydro would be pleased to investigate and report.
3. Was fair market value paid for the canal and power house site? Value of redressing past inequity (if substantiated).	B.C. Hydro has no information to indicate otherwise. B.C. Hydro expects that its predecessor, B.C. Electric, paid fair market value for the canal and power house site.
4. Request for information as to the arrangements in place with the B.C. Highways Ministry regarding lands discussed in previous point.	This information was provided in the report to the Band, referred to in 2 above.
5. Existence on a Reserve of the Band of a B.C. Hydro right-of-way which has never been used.	B.C. Hydro agrees that such a right-of-way exists and is prepared to discuss its future use.

Item	B.C. Hydro Response
6. B.C. Hydro has a significant presence on and near Cayoose Creek Band lands. One of the concerns of the Band is that there is a need to sort out the details regarding the numerous easements and rights-of-way that B.C. Hydro has on Reserve lands.	B.C. Hydro agrees and will work with the Band to achieve this.
Environmental Related	
1. Need for an evaluation of the impact on traditional fishing on Seton River and Cayoose Creek.	B.C. Hydro has studied this fishery extensively. Reports can be made available to Band upon request.
2. Impacts on Economic Development Potential of land use caused by canal from Seton Lake to Fraser River.	B.C. Hydro recognizes canal has restricted use of Reserve lands. B.C. Hydro expects this to be raised by the Band in negotiations.
3. Access to irrigation water from Seton Reservoir.	B.C. Hydro understands that the Cayoose Creek Band does not have access to irrigation water from Seton Canal. Three four-inch outlets were provided for the Band's use, subject to water license and B.C. Hydro operational requirements.
Economic Related	
1. Impacts on Economic Development Potential.	B.C. Hydro is willing to meet the Band to determine its development interests and discuss how the Band can access benefits originating from the Project. B.C. Hydro held a Contracting Opportunities workshop in Lillooet to familiarize interested local contractors in understanding B.C. Hydro's tendering process contract requirements and safety requirements.

4.3.4 Fountain Band

Item	B.C. Hydro Response
General	
Property Related	
1. Request B.C. Hydro's legal interpretation concerning past land matters.	B.C. Hydro acquires access and right-of-way agreements in order to operate and maintain facilities. B.C. Hydro makes every effort to acquire these rights on a fair and equitable basis. B.C. Hydro wrote to the Chief and Council on 22 March 1991 to explain its interpretation.
2. Request B.C. Hydro's position and responsibility towards past land matters.	B.C. Hydro has dealt with DIAND in accordance with its obligations under the Indian Act. If the Band would provide clarification of this request, B.C. Hydro would be pleased to review it and determine if anything can be done by B.C. Hydro.
3. Examination by B.C. Hydro of the validity of existing road access, agreements and permits.	B.C. Hydro prepared a summary report for the Fountain Band showing various transmission lines. B.C. Hydro included copies of legal documentation for these lines including access road agreements. If the Band has further queries or concerns, B.C. Hydro will investigate and report.
4. Desire to have 2L90 and 2L91 relocated. These two lines occupy a considerable amount of developable land which, if freed up, could be used for housing or economic development. The Band feels that these lines (route alignment and pole placement) were located by B.C. Hydro with no concern for what was there (existing farm land or family garden plots).	The cost of relocating 2L90/91 are high and are not considered to be a part of the proposed Project mitigation. If the Band is willing to pay relocation costs, B.C. Hydro is prepared to move the 2L90/91 transmission lines. B.C. Hydro expects this concern to be raised by the Band in negotiations.
5. Request to know the cost of having transmission and distribution lines removed and rerouted around or on the Reserve.	Relocation and removal of existing lines is not considered to be part of the proposed Project mitigation. If the Band is willing to pay relocation costs, B.C. Hydro is prepared to investigate and report.

Item	B.C. Hydro Response
Environmental Related	
1. Concern with the impact of the Bridge River hydroelectric plant on the local fishery.	The plant has affected Bridge River fish. See Response Document Section B.10 Vegetation Management, Reference 6.
2. Concern that spraying of herbicides on Hydro rights-of-way causes contamination of soil and water.	B.C. Hydro no longer uses aerial spraying. B.C. Hydro is reducing its use of herbicides through use of hand clearing and other non-chemical vegetation control practices. See Section 4.2.1 Common Concerns, Item 8 for additional information.
3. Negative impact of B.C. Hydro's activities on hunting in the area.	B.C. Hydro believes that rights-of-way may enhance hunting opportunities.
4. Impact of 2L90 and 2L91 crossing IR10, IR2, IR1A, IR3A, and IR3.	B.C. Hydro expects this will be considered in negotiations.
Economic Related	
1. Impacts on economic development potential, in particular, 2L90 and 2L91 which are located on benchland or land with some development potential on IR10, IR2, IR1A, IR3A, and IR3.	B.C. Hydro expects this will be considered in negotiations. B.C. Hydro is willing to meet the Band to determine its development interests and discuss how the Band can access Project contracting opportunities. B.C. Hydro held a Contracting Opportunities workshop in Lillooet in June 1991 to familiarize interested contractors with B.C. Hydro's tendering processing, contracting requirements and safety requirements.
2. The Fountain Band, like many Bands in the region, are experiencing a serious housing shortage. A physical development plan is being prepared to determine the manner in which new housing should be provided, however lack of funding for housing is a major obstacle to meeting the housing needs.	B.C. Hydro would be interested in reviewing the Band's development plans, however, funding of housing is not an item which B.C. Hydro can address.

4.3.5 Lillooet Band

Item	B.C. Hydro Response
General	
1. Belief that there should be a process put into place in order that future Hydro Projects may proceed, with the maximum input from Hydro officials and the Stl'atl'imx people.	B.C. Hydro welcomes discussions to establish such a process.
Property Related	
1. Request by Community Planner to release portion of Lillooet transmission line right-of-way (Plan 50227) over Lillooet IR1.	A Band Council Resolution is required, which has been received. Release is in progress.
2. Access all rights-of-way.	It is assumed this refers to the Band's concern that access and right-of-way agreements negotiated through the DIAND are not in the Band's best interest. The role of the DIAND is outlined in the "Indian Act". If the Band offers suggestions on how to mitigate this concern, B.C. Hydro will review them.
3. Request that B.C. Hydro check records to identify other potential issues and send copies of right-of-way agreements to the Band.	B.C. Hydro prepared a summary report for the Lillooet Band showing various transmission lines. B.C. Hydro has included copies of legal documentation for these lines, except for two 60 kV transmission lines (60L20 and 60L21). The files for these lines have only recently been located and agreements will be forwarded. It appears the right-of-way was paid for (to DIAND). However, DIAND never issued the required permit. If the Band has further queries or concerns B.C. Hydro will investigate and report.
4. Former Seton Lake IR5.	Requests have been received by B.C. Hydro to consider sale of the property. The property is being developed as a public recreational area.

Item	B.C. Hydro Response
5. Relocation of existing Hydro transmission line locations, which restrict the use of prime lands (2L90 and 2L91 on flat benchlands on IR1 constrain development).	It is understood that the transmission lines of concern are 2L90 and 2L91 which traverse the bench on Lillooet IR1 above the sawmill. The cost of relocation is high and is not considered to be part of the proposed Project mitigation. B.C. Hydro will determine the cost of relocation as a component in negotiations if the Band indicates where they would prefer to see the lines located.
6. Concern with Project related impacts, specifically the value of land taken for right-of-way.	See Response Document Section B.10 Mitigation and Compensation, Reference 6.
7. Concern with security, public access and trespass via all rights-of-way.	B.C. Hydro will work with the Band to identify areas of concern which may require further measures to limit access to Reserve lands. It is understood that the Band is experiencing problems with trespassers getting onto Lillooet IR1 along the 2L90 and 2L91 ROW. B.C. Hydro is prepared to cooperate with the Band, as it does with private land owners, to provide gates and barriers to prevent trespass entry. It is requested that specific suggestions be made by the Band. B.C. Hydro is prepared to meet with the Band concerning ways that right-of-way trespass by others can be reduced or eliminated.
8. Previous trade of Seton Lake IR5 did not provide fair market value of land.	B.C. Hydro has no information to indicate otherwise.

Item	B.C. Hydro Response
Environmental Related	
1. Value of Seton Lake fisheries impact mitigation past efforts by B.C. Hydro.	B.C. Hydro recognizes that downstream fisheries losses are still occurring and has worked on mitigation of fishery losses. Options for enhancing downstream migrant fish populations are currently being developed.
2. The Band would like to participate in all discussions to determine the impact on their lands. Especially on hunting, fishing, berry picking areas, medicines and health.	The Band will be consulted on all concerns related to hunting, fishing, berry picking, medicines and health when impacts on Lillooet Band land are determined.
Economic Related	
1. Impacts on Economic Development Potential. Tourist development potential restricted by Hydro ownership of portion of former IR#5.	B.C. Hydro provides public access to former IR5 properties which enhance opportunities for maximizing economic return to remaining I.R. property.

4.3.6 Mount Currie Band

Item	B.C. Hydro Response
General	
1. Helicopter disturbances. In late Spring 1989, the Band complained to the RCMP regarding the disturbances of helicopters in their vicinity.	The presence of these helicopters may have been mistakenly attributed to B.C. Hydro's environmental impact assessment studies for the Project.
Property Related	
1. Concern over reduced value of the 8 hectare Lokla Reserve as a result of linear developments (B.C. Hydro transmission lines 2L1 and 2L2, B.C. Railway and a highway). The Band believes that the result of these developments has reduced the value of the land.	The portion of the Reserve crossed by 2L1 and 2L2 is covered by rock slide debris.
Environmental Related	
1. Opposition by the Band Council to the Duffey Lake route option.	This view has been incorporated by B.C. Hydro in the Project route analysis. The Duffy Lake route is not proposed in the EPC Application.
2. PCB transport through a Mount Currie reserve and site storage at Creekside. The Band has requested permanent removal of all PCBs at Creekside.	B.C. Hydro will consider the removal of all PCB containing equipment and waste at Creekside when a destruction facility becomes available. See also the Response Document Section B.11 PCB Storage, Reference 6. B.C. Hydro will notify the Band prior to moving PCB materials on the highway through their Reserve. B.C. Hydro understands that the highway is owned by the Crown. B.C. Hydro has agreed not to move PCBs through Reserve land without Band approval.
Economic Related	
1. Right-of-way Slashing Services during construction and maintenance.	B.C. Hydro would be pleased to receive and evaluate native employment proposals for slashing services.

	Item	B.C. Hydro Response
2.	Training for tree removal/topping/limbing and technical and trade fields such as electricians.	B.C. Hydro is willing to meet the Band to determine its interests and discuss how the Band can access Project contracting opportunities. B.C. Hydro held a Contractor Opportunity workshop in Pemberton and Lillooet in June 1991 to familiarize interested contractors with B.C. Hydro's tendering processes, contracting requirements and safety requirements. B.C. Hydro's Human Resources Group would also be pleased to discuss employment opportunities and trades apprenticeship programs with the Band.

4.3.7 Pavilion Band

Item	B.C. Hydro Response
General	
1. Desire of Band to have historical right-of-way problems including alleged trespass, compensation payments and concern with existing agreements resolved before further discussion regarding the new Project requirements. Once these historical problems are solved, the Band is prepared to listen to B.C. Hydro's proposals for renewing agreements and developing new agreements.	B.C. Hydro is prepared to negotiate a resolution of these concerns directly with the Pavilion Band or collectively via the Northern Stl'atl'imx communities.
2. Request by Band to deal directly with B.C. Hydro rather than through Department of Indian Affairs and Northern Development.	B.C. Hydro is willing to deal directly with the Band to negotiate terms. B.C. Hydro understands that when agreement is reached with the Band that the Band would then pass a Band Council Resolution and inform DIAND who will then work with B.C. Hydro to formalize the agreement.

Item	B.C. Hydro Response
Property Related	
1. Pursuit of litigation over two transmission lines (2L90 and 2L91) which the Band believes to be in trespass.	Application for right-of-way on Pavilion IR1 was made by Hydro on 10 May 1962. At that time, Hydro required a right-of-way 590 feet in width across this Reserve to accommodate several parallel transmission lines. The total right-of-way requirement was approximately 175 acres. Agreement was reached and a fee was paid 4 December 1962. At that date, no legal survey had been completed. Plan CLSR 52079 was completed 18 November 1963. It shows a right-of-way approximately 125 feet in width. This covers the portion of the Reserve presently occupied by transmission circuit 2L91 for a total area of 38.41 acres. Plan 53926 was completed October 1966. It covers an area of 28.895 acres presently occupied by transmission circuit 2L90. These plans both lie within the 175 acres for which compensation has been paid. It would appear from these facts that although formal documents may not have been prepared and executed, B.C. Hydro's use of this Reserve as noted above is supported by a Band Council Resolution, payment of consideration, and written correspondence with the DIAND.
2. Negotiation of compensation of existing transmission line, agreements (Peace No. 2 5L42 20-year rent review). The Band has a long standing dispute with B.C. Hydro as to whether the Corporation has a valid right-of-way for 2L90, 2L91 and 5L42.	In October 1990, B.C. Hydro received a letter from the Band's legal counsel who was retained by the Band to negotiate the review of fees on behalf of the Band. B.C. Hydro negotiated outstanding and future right-of-way needs and ratified a memo of understanding in mid 1991.
3. Value of land taken for new ROW.	Negotiations concerning compensation for right-of-way access are currently underway.
4. Request for B.C. Hydro to share costs of legal counsel to prepare for property negotiations.	B.C. Hydro has agreed to the Band's participation in property negotiations.

Item	B.C. Hydro Response
5. Desire of Band to have a master agreement for a process to negotiate right-of-ways.	B.C. Hydro is willing to work with the Band to develop such a master agreement.
6. The Band would prefer to include a renewable clause for compensation in its right-of-way agreement(s).	B.C. Hydro will negotiate the clauses in any new right-of-way agreements.
Environmental Related	
1. The benchland has been scarred by creation of many access roads for the various transmission lines. Many of the roads could be scarified and seeded to reduce impact on grazing.	If the Project proceeds B.C. Hydro agrees to review specific opportunities to scarify and seed existing right-of-way access roads.
2. Impacts associated with transmission line Projects such as poorer hunting and berry picking areas, timber taken out of production, and ongoing occupancy by transmission lines of very limited developable land. The Band has requested an evaluation of land and water resources affected by the Project: hunting (short term disturbance), trapping (disturbance), berry supply (for up to three years).	B.C. Hydro expects to discuss the concerns in negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.
Economic Related	
1. Impacts on Economic Development Potential. The transmission line corridor uses a considerable amount of benchland above the village. The northern edge of this benchland has magnificent views into the Fraser Canyon and could have been the site of recreation homes if water was available. The appeal of the site has been reduced significantly.	B.C. Hydro is willing to meet the Band and further discuss its development interests.

4.3.8 Seton Band

Item	B.C. Hydro Response
General	
1. Successful negotiation with B.C. Hydro (in conjunction with Lillooet Tribal Council).	B.C. Hydro is hopeful that a mutually satisfactory agreement can be reached with the affected Band, the Lillooet Tribal Council, the Northern Stl'atl'imx communities and B.C. Hydro.
2. Improved ongoing communication with B.C. Hydro and community relations with B.C. Hydro staff in Seton Portage.	B.C. Hydro will provide opportunities for interested area residents to tour B.C. Hydro facilities. B.C. Hydro's production manager would be pleased to meet with the Band Council upon request.
3. Establishment of a scholarship fund for post-secondary education.	B.C. Hydro recently established a scholarship fund to help one native student to attend post secondary education in each of its five Customer Service Districts.
4. Support for improvement and year-round maintenance of the Highline Road, provided this was not done until the Band had completed its development plan.	The Highline Road will be upgraded to the extent necessary for construction of the transmission line. Upon transmission line completion, B.C. Hydro will approach the Ministry of Forests to determine their interest in taking over responsibility for the road once construction is complete.
Property Related	
1. Compensation for the second transmission line 3L2 (M221OA).	This concern is in respect of a second transmission line (3L2). The first transmission line 2L1, also known as Bridge River No. 1, was authorized under agreement dated 2 November 1934. In 1955, B.C. Electric (BCE) applied for and received additional rights. The additional rights for additional transmission lines and the original rights were included in one grant, thus no further compensation is proposed. The new agreement provides that BCE (now B.C. Hydro) operate and maintain one or more transmission lines (DIAND Reg. No. 12799).

Item	B.C. Hydro Response
2. Future negotiations for lands.	B.C. Hydro welcomes discussions to establish a negotiating process. B.C. Hydro is willing to review new approaches to future negotiations (land exchange, term of compensation, etc.); however, any settlements must be rationalized on a commercial basis.
3. B.C. Hydro's position and interpretation of past transactions.	B.C. Hydro has dealt with DIAND in accordance with the Indian Act. B.C. Hydro has prepared a summary report for the Seton Band, showing the various transmission lines. B.C. Hydro included copies of legal documentation for the existing transmission lines. If the Band has further transmission line queries or concerns, B.C. Hydro will investigate.
4. Relocation of distribution lines.	Application for relocation of distribution lines is reviewed at B.C. Hydro's district office in Lillooet. To relocate single phase distribution lines it would cost approximately $1,500 per pole for single phase distribution lines, and approximately $3,000 per pole for three phase distribution lines. The cost of relocation is not considered to be part of the proposed Project mitigation. If the Band is willing to pay relocation costs, B.C. Hydro is prepared to move distribution lines subject to technical constraints.
5. Band's future plans and land base.	To the extent that appropriate or private or Crown Land is available, B.C. Hydro will consider acquiring title to existing and new transmission line rights-of-way through Reserves by the exchange of lands as one alternative during negotiations with the Band.
6. Restriction of public access to traditional hunting areas by B.C. Hydro.	B.C. Hydro will work with the Band to develop effective means for reducing or eliminating access through its rights-of-way on Reserves.
7. Release of 2L1 right-of-way to the Band.	B.C. Hydro would remove existing circuit 2L1 through Seton IR5A if the new line is built. See also Section B.7 Future Use of 2L1 Right-of-Way, Reference 6.

Item	B.C. Hydro Response
8. Relocation of existing transmission lines to free up developable land.	The cost of relocation of existing transmission lines is not considered part of the proposed Project mitigation. If the Band is prepared to pay relocation costs, and it is technically feasible, B.C. Hydro will move transmission lines.
9. Improved compensation for distribution facilities.	B.C. Hydro expects the Band to raise this concern during negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.
10. Strong belief by the Band that they were not adequately compensated for the flooding of their lands in the Bridge River Valley and that funds were paid to individuals and not the Band. The Band questioned the compensation for the site for the first generating plant.	B.C. Hydro expects the Band to raise this concern during negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.
11. Determination if payment for IR7 represented fair market value and if fair compensation was paid to individuals for land taken for the generating plant, transmission lines, switchyards and housing. In addition, the Seton Lake Band would like to know if fair market value is reflected in right-of-way agreements.	B.C. Hydro expects the Band to raise this concern during negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.
12. Determination of the value of payments to redress any inequities identified in above 10 and 11.	B.C. Hydro expects the Band to raise this concern during negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities.

Item	B.C. Hydro Response
Environmental Related	
1. Impacts on lands used for hunting, fishing, berry picking - research by Band on usage by Band as well as baseline inventory.	B.C. Hydro expects to address the Project impacts in negotiations with the Band or via negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities. See also Item 11, Environmental Related following.
2. Effects on Fisheries and ways to enhance or restock for the future.	Before the first dam was constructed on the Bridge River in 1926, 1000-2000 Chinook spawned in Tyaughton Creek. As no fish passes were included in that dam and as the water was totally diverted in 1948, the Bridge River fish runs have been severely impacted. Water License #9264 for the Bridge River diversion included no requirement to release water to maintain the fish runs. At Seton Lake, Conditional Water License 21712 required B.C. Hydro to maintain a flow of water into Seton River for fish. There was an initial problem with tailrace water delay which was studied by the International Pacific Salmon Fisheries Commission. B.C. Hydro paid for these studies and the subsequent Cayoose diversion was built to solve the problem for upstream migrating fish. Downstream mortality through the turbines is considered relatively low (10-15 percent for sockeye). B.C. Hydro is studying ways to further reduce that mortality rate. Spawning channels for pink salmon were built on B.C. Hydro property by the International Pacific Salmon Fisheries Commission. B.C. Hydro monitors the upstream migration of fish and communicates with the Department of Fisheries and Oceans on all operations that could affect fish.

Item	B.C. Hydro Response
3. Environment impact on Seton Lake - effect on food fisheries (Bridge River, Seton River, Russell Creek).	B.C. Hydro has information on spawning escapements to Bridge River and Seton River, based on information from Salmon escapements to streams entering statistical areas 28 and 29, 1951 to 1985. The data indicates that since 1948 when Bridge River runs were severely impacted there appears to be a steady increase in food fish available. B.C. Hydro is unfamiliar with Russell Creek fish impacts but will review the situation with the Band upon request.
4. Effect of effluents passed through from Carpenter Lake.	This concern is understood to relate to water quality. The Canadian Council of Resource and Environment Ministers (1987) set the water quality standards for mercury as 1.0 ppb for drinking water and 0.1 ppb for freshwater aquatic life. B.C. Hydro undertook a study of mercury contamination in August 1988. Water samples were collected from Carpenter Lake in the vicinity of the intake near Terzaghi Dam. Concentration of mercury measured 0.06 ppb which is within the established standards. Samples taken in Seton Lake were 0.025 ppb. No other parameters were studied at that time. The community of Bralorne holds a permit (#PE 3157) to release a maximum of 18.9 cubic meters of septic tank effluent per day into the Hurley River. B.C. Hydro has not studied the effects of this effluent and has no control or authority over the Permit and suggests the Band contact the Ministry of Environment for more information.

Item	B.C. Hydro Response
5. Mining in the Goldbridge/Bralorne Area	Placer operations located along the Hurley River use settlement ponds. Releases from the ponds pass through gravel where particulates are removed. Flocculation agents may be used in the ponds to aid in the settlement process. Permits were issued by the Waste Management Branch for dewatering an old mine at Bralorne but these permits were cancelled when the project was abandoned. B.C. Hydro has no information on the quality of any drainage from the mine. B.C. Hydro has no knowledge of any other sources of mining effluents and notes that the quality of such effluents is not regulated by B.C. Hydro.

Item	B.C. Hydro Response
6. Water level of Seton and Carpenter Lakes	Seton Lake Conditional Water License #21712 dated 26 November 1953 authorizes the maximum quantity of water to be diverted for power generation from the Seton River and Cayoose Creek as 2,606,284 acre feet per annum. The elevations below represent system operating levels which reflect that diversion. Normal daily fluctuation on Seton Lake is .22 metres. Extreme High 236.22m (775.0') Normal High 236.07m (774.5') Normal Low 235.85m (773.8') Extreme Low 235.61m (773.0') The water level at the outlet of Seton Lake into the Seton River in August 1949 before the Seton Generating Station was complete was 773.8'. B.C. Hydro's operating levels are within the natural limits of Seton Lake. Carpenter Lake Maximum Full Pool 651.05m (2136') Normal Minimum Pool 621.79m (2040') Absolute Minimum Pool 606.55m (1990') The reservoir is drawn down in late April/early May to accommodate the spring freshet. The reservoir rises to achieve the maximum pool in late August. At that point, drafting begins again but is held at levels between 621.79m and 651.05m throughout the winter. Fluctuations at Carpenter Lake reflect generation at Seton. Seton Lake is held at as close to a constant level as possible to allow the generating station to run at full load. The fluctuations in Carpenter Lake accommodate the need for water for generation at Seton Generating Station.

Item	B.C. Hydro Response
7. Townsite of South Shalalth - sewage dumped into Seton Lake	All houses in South Shalalth townsite have septic tanks for waste. The waste from the Seton Lake generating plant also goes into septic tanks. No discharge into Seton Lake is permitted.
8. Use of pesticides and herbicides by B.C. Hydro.	No herbicides will be applied to Reserve property without the permission of the affected Band. Current vegetation management strategies favour hand methods, biological control or species specific herbicide application. Herbicides could be applied to the cut stumps of problem vegetation such as Red Alder. Birch, Cottonwood, Big Leaf Maple, and Douglas Maple. All low growing vegetation would remain untouched. Only vegetation which could grow into conflict with transmission lines would be treated. No herbicides would be applied to soil. At dam sites and substations, B.C. Hydro is continuing to study methods of vegetation control other than other herbicide application that would reduce our reliance on herbicides. Resurfacing of sites with asphalt, limestone gravel, or dense growing grass are some of the methods under study. Until site re-surfacing improvements are in place, herbicides will still be used. Soil sterilant may be applied on a spot application basis to control specific persistent weed problems and not to the whole site. No soil sterilant has been used in this area since 1984. No herbicides will be applied within 10m of any water body. B.C. Hydro is currently reviewing its long-term maintenance programs. B.C. Hydro will evaluate proposals for necessary maintenance to enhance native employment. See also the Response Document, Section B.10 Vegetation Management, Reference 6.

Item	B.C. Hydro Response
9. Protection of traplines.	B.C. Hydro will work with the Band to determine trapline locations and attempt to minimize impacts or compensate accordingly. Where rights-of-way are already established, no impacts on traplines are anticipated. There may be impacts on traplines where new rights-of-way are to be developed. If the Band identifies the trapline areas, the impacts may be evaluated and steps would be taken to move the traps off rights-of-way and access roads or compensate for losses.
10. Gates and access to ROW on Band lands.	B.C. Hydro understands that the Band has had difficulty in controlling access by others to Band lands along the various ROW. B.C. Hydro recognizes that this is a problem and will cooperate in provision of gates and barriers to prevent access.
11. Damming of the Bridge River and subsequent flooding of the river valley - loss of wildlife in the Bridge River Valley and loss of hunting and gathering opportunities.	B.C. Hydro recognizes that damming of Bridge River and subsequent flooding of the Bridge River Valley did have an impact on hunting, fishing and berry picking in that valley. The winter range for deer was much reduced. However, transmission line rights-of-way have provided browse for deer and allowed greater access for hunting. It is believed that rights-of-way along Anderson and Seton Lakes have increased the open land available for berry picking. Present berry picking areas on rights-of-way will be maintained. Current B.C. Hydro vegetation management strategies favour low growing vegetation like berry plants.
12. Construction and operation of the Bridge River generating plants changed the human and natural environment at Seton. A local beach at Shalalth may have been taken for a generating station.	B.C. Hydro recognizes that the construction and operation of the Bridge River plant has changed the human and natural environment at Seton. One of these generating plants, associated penstocks and substation is located on Slosh IR1. The plant is a constraint to land use. The plant is also of interest to visitors. The Band was compensated for use of the land.

Item	B.C. Hydro Response
13. Seton Lake water level fluctuations and possible loss of a fishing site. In addition, the level of Seton Lake is now controlled by a weir. The Band suggests that temperature, colour and mineral content have been changed by diversion of the Bridge River.	B.C. Hydro recognizes that as a result of its operations, the temperature, colour and mineral content of Seton Lake has been changed. B.C. Hydro's operating levels are within the natural limits of Seton Lake. B.C. Hydro will discuss the location and possible impacts on the fishing site upon confirmation of the location by the Band.
14. Alienation of agricultural land. 2L1 is the only transmission line on land with agricultural potential.	This is the oldest of the transmission lines and crosses developable land on Slosh IR1, (17.4 ha), Seton IR5A (0.64 ha) and D.L. 1592, which has recently been acquired by the Band. If the Kelly Lake - Cheekye Project proceeds through Seton Lake Band Reserve land, it is proposed to release the 2L1 right-of-way to the Band thus removing an impediment to land use on these properties.
15. Effect of effluent passed through from Carpenter Lake. The Band is concerned that minerals and chemicals from Gold Bridge area mines are now passing into Seton Lake.	This matter is not within B.C. Hydro's jurisdiction. The Band is referred to the Ministry of Environment for more information.
16. Value of steep forested land taken for ROW.	If the Band conveys specific information, B.C. Hydro will determine what compensation was paid.
17. Value of past Seton Lake fisheries impacts and mitigation efforts by B.C. Hydro.	B.C. Hydro recognizes that downstream fisheries losses are still occurring. Options for enhancing downstream migrant fish populations are currently being developed.
18. Request by Band that an evaluation of land and water resources affected by the Project be completed. The evaluation would include: hunting, trapping, berry supply.	B.C. Hydro completed an environmental assessment for the Project which was filed with the EPC Application (See References 3 and 4 of the Application). B.C. Hydro expects to address Project impacts in negotiations with the Band or via negotiations with the Northern Stl'atl'imx communities

Item	B.C. Hydro Response
Economic Related	
1. Band's future Economic Development - Impact of Hydro development on Band's potential for future Economic Development. The Band is affected by B.C. Hydro's facilities and various activities, including the following:	
(a) Carpenter Lake	B.C. Hydro accepts that the reservoir has changed Bridge River valley. To date, no planning for tourism has been done on reservoir. It is understood that since opening of Hurley Road, Ministry of Forests and Ministry of Parks have been reviewing recreation opportunities in area.
(b) Bridge River Generating Plants	These generating plants are located on land owned by B.C. Hydro. Some land in former Slosh IR1 was purchased from the Band. Associated penstocks and substation are located on Slosh IR1. The plant is of interest to visitors. The Band was paid for the use of the land.
(c) Transmission Line 2L1	This is the oldest of the existing transmission lines and crosses some developable land on Slosh I.R. 1 (17.4 ha), Seton I.R. 5A (0.64 ha) and D.L. 1592, which has recently been acquired by the Band. If the Kelly Lake - Cheekye Project proceeds, B.C. Hydro will release the 2L1 ROW to the Band.

Item	B.C. Hydro Response
(d) Transmission Line 2L2	This crosses Slosh IR1 (17.0 ha) and Seton IR5A (13.6 ha). The route of this line crosses the gullies in the silt deposits and is not on land with significant potential for development other than for forestry. B.C. Hydro does not intend to move this line.
(e) Transmission Line 3L2	This crosses Slosh IR1 (18.8 ha) and Seton IR5A (9.3 ha). The comments are the same as for 2L2.
(f) Transmission Line 5L42	This line is the highest above Seton Portage and crosses I.R. 5A (9.3 ha). The land is most suitable for forestry. There is no intention to relocate this line.
(g) Transmission Lines 2L90 and 2L91	These two lines occupy 0.2 ha in Slosh I.R. 1 close to the substation where they leave to span Seton Lake. The lines cannot be relocated as they must access the substation.
(h) Highline Road	This access road to D'Arcy was constructed and maintained by B.C. Hydro or its predecessors, and is important to all residents at Seton Portage for their own use and as access for tourists. After construction of 5L46, B.C. Hydro will discuss transfer of the road to the Ministry of Forests.
(i) Transmission Line 5L46	This proposed Project, if located on Seton IR5A, would be adjacent to 5L42, traversing land most suitable for forestry.
2. Impacts on Economic Development Potential. Reduced opportunities for recreation and tourism development. Cold water reservoir precludes use by tourists. There are also visual/aesthetic impacts.	B.C. Hydro will meet with the Seton Band to discuss possible solutions to their concerns and will consider these concerns in the negotiations for Project transmission requirements through the Seton Reserve.

Item		B.C. Hydro Response
3.	Reduced opportunities for infrastructure development due to alienation of developable land as a result of 2L2, 3L2 and substation at Bridge.	B.C. Hydro is willing to meet the Band to determine its development interests and discuss how the Band can access Project construction opportunities. B.C. Hydro provided Contractor Opportunity workshops in Lillooet and Pemberton to familiarize interested contractors with B.C. Hydro's tendering processes, contracting requirements and safety requirements.
4.	Improved business relations through the supply of goods and services to B.C. Hydro by the Band, for example, transmission line maintenance contracts.	B.C. Hydro will meet with the Band to explore opportunities to improves business relations.
5.	Payment of grants-in-lieu of taxes by B.C. Hydro to Indian Bands in the same manner as municipalities and Regional District are paid.	See Section 4.2.1, Common Concerns, Item 5.
6.	Improved cooperation from B.C. Hydro to facilitate the Band's housing development Projects.	B.C. Hydro will meet with the Band to explore opportunities to improve business relations.
7.	Reduced opportunities for infrastructure development due to alienation of developable land as a result of 2L2, 3L2 and the substation at Bridge.	B.C. Hydro is uncertain why the facilities listed would impair the development of the infrastructure such as roads and utilities.
8.	Recover value of steep forested land taken for right-of-way.	See Section 4.3.8, Item 16 of Environmental Related comments.
9.	Seek access to Project benefits.	See item 3 above and Section 4.3.11 Item 1 of Economic Related comment.

4.3.9 Squamish Band

Item	B.C. Hydro Response
General	
Property Related	
1. Concerns with the right-of-way over Cheakamus IR11 for the transmission line 2L1.	B.C. Hydro is willing to meet and discuss the Band's concerns and explore opportunities to improve business relations.
2. Concerns with the right-of-way over Cheakamus IR11 for the transmission line 2L12.	B.C. Hydro is willing to meet and discuss the Band's concerns and explore opportunities to improve business relations.
3. Future relationship with B.C. Hydro regarding transmission line and other electricity needs.	B.C. Hydro is willing to meet and discuss the Band's concerns and explore opportunities to improve business relations. B.C. Hydro recognizes that developments on Band lands could be consumers of electricity.

Item	B.C. Hydro Response
Environmental Related	
1. Use of herbicides.	Current vegetation management strategies on transmission line rights-of-way favour hand methods, biological control or species specific herbicide application. Herbicides could be applied to the cut stumps of problem vegetation such as Red Alder, Birch, Cottonwood, Big Leaf Maple and Douglas Maple. All low-growing untouched. Only vegetation which could grow into conflict with transmission lines would be treated. No herbicides would be applied to soil. At dam sites and substations, B.C. Hydro is continuing to study methods of vegetation control other than herbicide application that would reduce reliance on herbicides. Resurfacing of sites with asphalt, limestone gravel or dense growing grass are some of the methods under study. Until site-resurfacing improvements are in place, herbicides will still be used. Soil sterilant will be applied on a spot application basis to control specific persistent weed problems and not to the whole site. No herbicides will be applied within 10 m of any water body. See also Response Document, Section B.10 Vegetation Management, Reference 6.
2. Effects of electric and magnetic fields.	See Response Document, Section B.1 EMF Effects, Reference 6.
3. Opening of new right-of-way in areas of land claimed by Squamish people.	The High Cheakamus route for the Project avoids Cheakamus IR11. B.C. Hydro is willing to discuss this Project and any other existing facilities which may impact the Squamish Band.

4.3.10 Whispering Pines Band

Item	B.C. Hydro Response
Property Related	
1. Re-examination of the original agreement of transfer of Clinton IR2 and IR2A.	B.C. Hydro will meet with the Band to review the original agreement.
Environmental Related	
1. Environmental impacts of existing and proposed transmission line (e.g. EMF effects, impacts of clearing, degradation of wildlife habitat, spread of knapweed and other noxious weeds due to increased access).	If the Project is approved, B.C. Hydro will discuss the location of towers with individual property owners, including Indian Bands. See also the Response Document, Section B2 Environmental Impacts, Reference 6. See also the EPC Application, page B-16 - B-44, Section B.4.
2. EMF effects.	See the B.C. Hydro response in Section 4.2.1, Common Concerns, Item 7, Health Effects of EMF.
3. Impacts of clearing.	B.C. Hydro agrees that there is a direct impact during clearing as a result of disturbance and vegetation removal. When the right-of-way greens up it offers a different habitat and diversity often to the benefit of wildlife.
4. Degradation of wildlife habitat.	B.C. Hydro considers that after construction and green up the rights-of-way offer more habitat and food diversity for wildlife and can improve the situation.
5. Spread of knapweed and other noxious weeds.	See the EPC Application, page B-43, Section B.4.6.3.
6. Need for an environmental monitoring system to assess the environmental impacts of transmission lines.	If the Project is approved, B.C. Hydro will develop an environmental management plan.
Economic Related	
1. Exploration with B.C. Hydro of opportunities for production of electricity from small hydro Projects.	B.C. Hydro is willing to meet to discuss various Independent Power Producer options.

	Item	B.C. Hydro Response
2.	Interest by Band members (and other Bands within the Shuswap Nation Tribal Council) in employment opportunities associated with transmission line construction and maintenance.	B.C. Hydro will provide at least one further Contracting Opportunities workshop prior to letting tenders for logging and clearing the right-of-way. The Band will be invited to attend.
3.	Resource management planning of traditional lands.	B.C. Hydro will address any specific environmental resource management questions asked by the Band.
4.	Taxation of land and improvements (including utilities) within traditional lands.	See General Concerns, Section 4.2.1, Item 5.

4.3.11 Lillooet Tribal Council

Item	B.C. Hydro Response
General	
1. Desire to resolve issues and conclude negotiations quickly.	B.C. Hydro agrees and has the same objective.
Property Related	
1. Desire for past grievances to be dealt with prior to or concurrent with Project impacts.	B.C. Hydro expects that this concern will be the subject of negotiations.
2. Requirement of sufficient compensation in order for Bands to participate in discussions.	B.C. Hydro expects that this concern will be the subject of negotiations.
3. Differences of understanding between Bands and Hydro relating to right-of-way agreements/permits on reserve lands.	B.C. Hydro has attempted to answer Band questions and concerns to ensure on understanding of historical agreements and potential impacts resulting from the proposed Project.
4. Alleged instances of trespass by B.C. Hydro facilities.	B.C. Hydro will cooperate with the Bands to reduce or eliminate trespass along B.C. Hydro rights-of-way.
5. Lack of action or success in resolving compensation for right-of-way access due to lack of agreement on the process or terms for settling compensation.	B.C. Hydro is committed to negotiating a right-of-way for the new Project and is willing to discuss a process for setting future compensation issues.
Environmental Related	
1. Preference for the generally favoured route through Pavilion, Bridge River and Seton Lake Reserves.	B.C. Hydro is committed to negotiating in the time available with the Lillooet Tribal Council and associated Bands to use existing transmission line corridors through the named Reserves. Only if negotiations fail will the bypass alternatives be chosen. If agreements can be reached with the affected Bands B.C. Hydro will utilize the generally favoured route for 5L46.

Item	B.C. Hydro Response
2. Opposition to proposed route alternatives bypassing Bridge River, Pavilion and Seton Lake Reserves due to environmental impacts on their traditional lands.	B.C. Hydro notes the opposition to the proposed route and will negotiate to obtain the alternative routes through the Reserves. If agreement cannot be reached on routes through Reserves B.C. Hydro will attempt to mitigate environmental impacts resulting from utilizing the proposed routes which bypass Bridge River, Pavilion and Seton Lake Reserves.
Economic Related	
1. Seek access to Project benefits.	While the employment and native business opportunities on the Project are limited, the following initiatives will be pursued by B.C. Hydro prior to Project approval to enhance those opportunities: - encourage native businesses and Bands within the study area to obtain training and skills needed to compete for Project contracts; - provide opportunity to Bands to clear rights-of-way on Reserves affected by Project routing and investigate opportunities for involving Bands in their ongoing maintenance.

4.4 B.C. HYDRO CONCERNS

During the consultation process involving the native communities, a number of corporate concerns were identified.

B.C. Hydro Corporate Concern	Project Response
1. Meeting the Required In-Service Date	
There is reason to be optimistic about the outcome of negotiations with some Bands. The Project rationale is based on a required in-service date and necessitated action including an Application for approval which is based on partial Band involvement.	It is possible that even with more time for consultation and negotiation, certain Band concerns may not be resolved, and rights-of-way may not be obtained from all Bands for the generally favoured route through Reserves. A schedule for negotiating must be established with each Band of the Northern Stl'atl'imx communities. B.C. Hydro will negotiate with the Bands in the time available. The Project team concluded that the Energy Project Certificate Application must be based on non-Reserve routing. The Application contains alternative routing through Pavilion, Bridge River, Seton Lake and Anderson Lake Reserves in the event agreement cannot be reached with these Bands within a timeframe determined by survey, design and construction lead times and the Project in-service date.

Item	B.C. Hydro Response
2. Role of Provincial Ministry of Native Affairs and the Federal Department of Indian Affairs and Northern Development (DIAND)	
Agreements must conform to legal requirements.	B.C. Hydro respects the Bands' wishes that B.C. Hydro deal with them directly; however, a meeting with each agency in the presence of a Band representative to clarify what the Ministry of Native Affairs and DIAND understand their interest and obligations to be will likely be necessary. This meeting would be proposed in the negotiating process. B.C. Hydro anticipates that any negotiated agreements would be supported and confirmed by Band Council resolutions and the Band membership.
3. Self-Government and Taxation	
Recognition is required that B.C. Hydro as a Crown Corporation pays taxes or grants in lieu of taxes at the direction of government. Similarly, B.C. Hydro only collects taxes as directed.	B.C. Hydro recognizes that many Bands in B.C. are moving toward self-government. B.C. Hydro is reviewing the taxation legislation which the Federal government passed pertaining to Indian Bands. Once B.C. Hydro has reviewed the situation with the Provincial Government, Bands will be notified of B.C. Hydro's position. Band members on Reserve are exempt from GST or provincial sales tax on goods or services purchased on Reserve, therefore B.C. Hydro does not collect GST from Band members on electricity purchases.

SECTION 5 - CONCLUSIONS

The Public Consultation Program for the Kelly Lake - Cheekye Project achieved limited participation by the Indian Bands in the vicinity of the proposed route. This can be attributed to a combination of the following:

- Bands and Lillooet Tribal Council declined to actively participate in the public consultation program or to participate in a separate native consultation program;
- The Bands feel they have specific rights and wish to negotiate with B.C. Hydro on an equal basis;
- Bands and Lillooet Tribal Council focused on past grievances and concerns while the public consultation process focused on the proposed Project;
- Bands' and Lillooet Tribal Council priority in addressing land claims and aboriginal rights ahead of the B.C. Hydro Project.
- B.C. Hydro is breaking new ground in the type of negotiations being carried out. There are few precedents to follow.

Nevertheless, the consultation program and the limited participation by the native community does lead to several conclusions both project related and more generally applicable. These conclusions are relayed in Sections 5.1 and 5.2 following. In addition to conclusions based on the consultative process, a number of conclusions were presented in the Native Communities Report (Reference 4). These conclusions are described in Section 5.3 Land Use and Socio-Economic Related Conclusions.

5.1 PROJECT RELATED CONCLUSIONS

(a) Indian Bands and the Lillooet Tribal Council generally wish to see past issues and grievances with B.C. Hydro settled prior to discussing new project issues;

(b) The generally favoured route through Pavilion (IR1), Bridge River (IR1), and Seton Lake (IR5A) Indian Reserves is environmentally favoured and is supported by the Bands affected and the Lillooet Tribal Council based on minimizing impacts through their traditional territories by following existing corridors. However, this position is contingent on appropriate settlement with B.C. Hydro.

(c) Removal of existing circuit 2L1 through Seton Lake (IR5A) and Anderson Lake (Nequatque IR1) is viewed favourably by the Bands;

(d) There are limited employment and native business opportunities related to the project. However, opportunities can be enhanced by pursuing initiatives aimed specifically at increasing native participation in Project benefits;

(e) B.C. Hydro's relationship with native Bands can be enhanced by further consultation efforts during the post-approval stage of the Project;

(f) To proceed with the generally favoured route, negotiations and settlements are required to obtain the right-of-way through the following Reserves:

- Pavilion IR1;
- Bridge River IR1;
- Seton Lake IR5A; and
- Nequatque IR1.

(g) The Bands within the Lillooet Tribal Council and the Northern Stl'atl'imx communities expresses willingness to negotiate with B.C. Hydro and several productive negotiating meetings were held. However, at the time of this report, no agreement had been reached.

(h) A letter of clarification regarding right-of-way requirements was conveyed to the former Chief and Council of the Anderson Lake Band. Negotiations continue with the current Chief and Council and Band members regarding the required right-of-way for the Nequatque IR1 alternative. At the time of writing this report, no agreement had been reached.

(i) B.C. Hydro met with the Mount Currie Band in October 1989, and on several subsequent occasions requested meetings to discuss the project and to discuss plans for an Energy Project Certificate Application. In April 1991, B.C. Hydro met with the Band Manager to discuss the project and was informed that the Band did not want to discuss project details until their land claim issues had been settled. The Band perceives B.C. Hydro to be a third party in their negotiations with the Federal and Provincial Governments. The Band also views B.C. Hydro as an extension of the Provincial Government. The Band Manager was informed of the proposed route and the route alternatives, and provided with project information. The route proposed and the alternative routes avoid all Mount Currie Reserves. A request to the Band Chief for a follow-up meeting was made, but a meeting had not yet been confirmed at the time of writing this report.

(j) The Squamish Band never expressed an opinion regarding the Project or negotiations. The route proposed and the alternative routes avoid all Squamish Reserves. A meeting with the Band's Economic Development Committee was requested and planned, but had not yet occurred at the time of writing this report.

Given the above, the Energy Project Certificate Application was based on a route which bypasses Indian Reserves. However, the "generally favoured" route options through selected Reserves were included as alternatives should negotiations with the Lillooet Tribal Council, the Northern Stl'atl'imx communities, and Bands be successful. Whether the generally favoured route alternatives can be utilized will depend on the success and timing of subsequent ongoing negotiations. Negotiations with the Bands on the generally favoured route must be completed within the time frame required to maintain the 1996 project in-service date.

5.2 GENERAL CONCLUSIONS

(a) The likelihood of Indian Bands in the study area raising unresolved historical grievances on future transmission or other projects can be minimized by B.C. Hydro reviewing all existing agreements with Bands to identify unresolved concerns and develop a process to resolve them;

(b) B.C. Hydro's business relationship with Indian Bands can be improved through the implementation of consultation and public involvement processes designed specifically to suit native people.

5.3 LAND USE AND SOCIO-ECONOMIC RELATED CONCLUSIONS

(a) Transmission lines occupy considerable areas of Reserve lands which, based on comments from several bands, could be committed to other uses, in particular, for accommodating housing needs;

(b) The construction of transmission lines, dams, generating stations, access roads and other facilities throughout the study region by B.C. Hydro and its predecessors has had significant impact on the region's natural resources (i.e. wildlife, fish, berries, etc.). These resources supported the Band's traditional economic activities;

(c) Band officials have expressed considerable interest in securing business and employment opportunities with B.C. Hydro; however, except for short-term employment and contracting opportunities, Band members generally view B.C. Hydro as a "closed shop" which is not prepared to hire, train, or make a commitment to Band members on a long-term basis;

(d) Several native communities expressed a serious concern about the use of herbicides for vegetation control on the transmission line rights-of-way;

(e) One Chief suggested that Indian Bands receive grants-in-lieu of taxes similar to those provided to Regional District and Municipal governments as payment for the impact of B.C. Hydro facilities on Reserve and traditional lands.

SECTION 6 - B.C. HYDRO COMMITMENTS

During the public consultation program and the discussions leading to negotiations with Bands and Tribal Councils, a number of concerns arose which require commitments by B.C. Hydro in order to meet obligations to Indian Bands and/or enhance its relationship with native people.

Throughout these discussions, a number of points have been identified and recorded. B.C. Hydro's Kelly Lake - Cheekye Project Team has made its best effort to provide immediate responses by incorporating changes in the Project design, providing clarification and additional information or by making commitments should the Project be approved by the Minister of Energy, Mines and Petroleum Resources. In other instances, concerns were addressed by current corporate practices and policies.

The purpose of this Section is to document key commitments resulting from the public consultation process. In this Section the term "commitments" are defined as specific actions which will be undertaken by B.C. Hydro.

This Section is not intended to be an exhaustive listing of commitments. A number of commitments have already been completed during the last two years and have generally not been included for the sake of brevity.

A detailed tabulation of commitments pertaining to Indian Bands and the Tribal Councils will be tracked by B.C. Hydro as the Project progresses.

In addition to commitments resulting from the public consultation program, a list of recommendations were outlined in the Native Communities Report Section 5 (Reference 4). B.C. Hydro has seriously considered these recommendations and for the most part, has followed through with commitments to ensure resolution of the concerns described.

In this situation, the recommendation from the Native Communities Report (Reference 4) is summarized to provide the reader a better understanding as to the origin of the commitment. A response to the recommendation is also provided.

In some cases, however, B.C. Hydro is unable to respond to a recommendation with a corresponding commitment. In such an instance, the recommendation is presented and B.C. Hydro's response which follows explains the reasons for not following the recommendation.

Section 6.1 through 6.8 describes B.C. Hydro's commitment by topic:

6.1 ON-GOING PROJECT NEGOTIATIONS

6.1.1 Commitments Resulting from Consultation Process

(a) Negotiate new rights-of-way with Bands holding Reserves on the generally favoured route and negotiate disputed rights-of-way with other Bands within the study area using the following principles to guide these negotiations:

(1) B.C. Hydro will discuss issues or concerns which can be addressed in business terms. Terms of an agreement will be based on commercial considerations.

(2) B.C. Hydro cannot deal with Provincial or Federal responsibilities including aboriginal rights, land claims, self government or taxation.

(3) B.C. Hydro's participation in negotiations recognized that the tenure of Reserve lands differs from privately held land; i.e. Reserve lands are held by the Federal Crown in the name of the Band.

(4) Resolving trespass issues is a priority for B.C. Hydro as is resolving agreements where there are differing interpretations or questionable terms or conditions.

(5) Existing rights-of-way and access agreements can be revised where there is mutual agreement to consolidate multiple agreements or to improve their clarity or consistency.

(6) Land trades/exchanges including Crown or private land, or equivalent financial compensation for Reserve land are acceptable as a negotiated solution.

(7) Access to B.C. Hydro employment, contracting and training opportunities for natives is seen as an appropriate means of addressing Band concerns about economic development opportunities.

(8) Band self sufficiency will be considered by B.C. Hydro for the Band's long term benefits, i.e. can B.C. Hydro deliver electricity to the Band so that the Band can distribute electricity on Reserve(s), manage costs and collect revenues in a business relationship with B.C. Hydro.

(9) In recognition of the need to focus on native negotiations, B.C. Hydro has appointed a negotiating team to work with all Bands.

(b) Cooperate with Bands including the Northern Stl'atl'imx communities and the Lillooet Tribal Council to continue to offer them information necessary to further negotiations within the time frame required to meet the Project in-service date. This includes clarification of impacts of the Project and discussion of reports filed by B.C. Hydro in support of the Energy Project Certificate Application (EPCA).

6.1.2 Commitments Resulting from the Native Communities Report

(a) Socio-Economic Consultant Recommendation

In order to maintain and enhance credibility within the native communities, B.C. Hydro should secure the generally favoured route.

B.C. Hydro Response

B.C. Hydro has been negotiating with the Bands in the study area, including the Northern Stl'atl'imx communities and the Lillooet Tribal Council in good faith with the objective of achieving resolution of agreements as they relate to securing the generally favoured route.

B.C. Hydro Commitment

Continue to apply the necessary resources to the consultation and communication process in an attempt to reach an agreement with affected Bands relating to securing the generally favoured route. These continuing negotiations will be carried out within the Project schedule and time frame to maintain the 1996 Project in-service date.

(b) Socio-Economic Consultant Recommendation

B.C. Hydro should follow through with its plans to bring on staff a core group of individuals with a mandate to deal with native communities.

B.C. Hydro Response

B.C. Hydro has recently hired a Native Affairs Coordinator who is working with the Project team and other B.C. Hydro resource people to establish a means of developing a working relationship with native communities. In addition, B.C. Hydro has appointed a negotiating team to resolve outstanding right-of-way requirements for the Project and to address historical grievances. A Native Affairs steering committee was also established within B.C. Hydro.

B.C. Hydro Commitment

(i) Apply the necessary resources to the negotiation process. These resources would include B.C. Hydro's established negotiating team as well as other B.C. Hydro staff.

(ii) B.C. Hydro recognizes that significant field activity will be required in developing a working relationship with Native communities and local B.C. Hydro staff.

(c) Socio-Economic Consultant Recommendation

As long as progress is being made in the negotiating process, B.C. Hydro should be willing to maintain a considerable degree of flexibility in adjusting deadlines.

B.C. Hydro Response

Environmental and technical studies and public consultation for the Project commenced in the spring of 1989. The Project in-service date at that time was late 1995. This date has been deferred by one year to late 1996 (as indicated in the Application for an Energy Project Certificate) since the time taken for Project planning precluded the ability to attain a late 1995 in-service date. This delay has been reflected in B.C. Hydro's planning for the development of its electric system.

Ground survey of the centre-line of the proposed 5L46 transmission line must commence in the spring of 1992 to meet a late 1996 in-service date. The transmission line route must be finalized prior to commencement of the centreline survey of a route which may traverse the Anderson Lake, Seton, Bridge River or Pavilion Reserves or alternatively, a route which bypasses these Reserves. B.C. Hydro will continue to negotiate with the native communities in an attempt to reach an agreement which will permit the transmission line to be located through the appropriate Reserves. In addition, B.C. Hydro will attempt to schedule the location and progress of the centreline survey in order to maximize the time available for these negotiations.

B.C. Hydro Commitment

B.C. Hydro is committed to continue to negotiate with the Bands.

6.2 FUTURE CONSULTATION AND COMMUNICATION

6.2.1 Commitments Resulting from the Consultation Process

(a) Continue to provide opportunities and offer to involve Indian Bands including the Northern Stl'atl'imx communities and the Lillooet Tribal Council in the ongoing Project planning;

(b) Work with the Bands including the Northern Stl'atl'imx communities and the Lillooet Tribal Council to develop a process of ongoing consultation and communications. B.C. Hydro will apply the necessary resources to ensure concerns of the Bands as they relate to the environment, land use and employment are considered by B.C. Hydro in Project planning, development, and construction;

(c) Apply the necessary resources to the consultation and communications process to achieve (a) and (b) and undertake the activities described in Section E.6 (pages E-11 to E-13 Ongoing Consultation Activities) of B.C. Hydro's Energy Project Certificate Application.

6.3 LAND USE CONSIDERATIONS

6.3.1 Commitments Resulting from the Consultation Process

Investigate and where possible, implement measures to reduce potential land use impacts including minimizing right-of-way and clearing requirements, careful placement of towers to avoid disrupting existing and planned land uses, and ensuring prompt repair of any damage caused to private property as well as remedial work required for past transmission line construction activities. See also Response Document and Summary of Commitments, Sections B.6 Tower Design, and B.9 Right-of-Way Development/Access (Reference 6).

6.3.2 Commitments Resulting from the Native Communities Report

(a) Socio-Economic Consultant Recommendation

Release 2L1 right-of-way through the Anderson Lake Band's Indian Reserve when the existing line is dismantled.

B.C. Hydro Response

Existing 2L1 and 3L2 currently cross Nequatque IR1 at D'Arcy. The alternative route through this Reserve is adjacent and parallel to 3L2. If the transmission line is constructed on the generally favoured route, existing circuit 2L1 will be removed.

B.C. Hydro Commitment

Remove 2L1 transmission line and release its right-of-way on Nequatque IR1 to the Anderson Lake Band provided the alternative route through the Reserve is used.

(b) Socio-Economic Consultant Recommendation

(i) Take extra care in detailed planning of the new alignment and tower placement (along the existing corridor), to minimize the potential impact of the new line on lands with agricultural capability.

(ii) The new route alignment should be reviewed with the Bridge River Band during a field visit before it is finalized.

B.C. Hydro Response

B.C. Hydro will meet with affected Bands to discuss their concerns related to tower location. Requests for specific tower locations will be discussed with interested Bands.

B.C. Hydro Commitment

(i) Ensure that detailed planning of the new alignment and tower placement for the generally favoured route through Bridge River (IR1) minimizes the potential impact of the new line on the Reserve lands with agricultural capability;

(ii) Review the proposed line alignment and tower placement with the Bridge River Band prior to finalizing the detailed plans.

(c) Socio-Economic Consultant Recommendation

Assess the feasibility of relocating sections of the existing transmission lines 2L90 and 2L91 where they are occupying prime developable land on the Fountain Band Reserve.

B.C. Hydro Response

This concern is expected to be addressed in negotiations with the Band and the Northern Stl'atl'imx communities.

B.C. Hydro Commitment

B.C. Hydro is committed to continue to negotiate with the Bands.

(d) Socio-Economic Consultant Recommendation

Assess the feasibility of relocating sections of 2L90 and 2L91 on the Lillooet Band Reserves where they are occupying prime developable land and seriously impairing the orderly and efficient expansion of the community.

B.C. Hydro Response:

This concern is expected to be addressed in negotiations with the Band and the Northern Stl'atl'imx communities.

B.C. Hydro Commitment

B.C. Hydro is committed to continue to negotiate with the Bands.

(e) Socio-Economic Consultant Recommendation

Consult further with the Mount Currie Band regarding the potential implications of line routing in the vicinity of I.R. #4 (Lokla).

B.C. Hydro Response

The Band was notified that the proposed route is some distance from the Mount Currie Band's Reserve, Lokla IR4 (see Figure 4). B.C. Hydro will meet with the Band to discuss the Project at their convenience.

B.C. Hydro Commitment

B.C. Hydro will attempt to meet with the Band to discuss routing in the vicinity of the Lokla Reserve or other Project related issues.

(f) Socio-Economic Consultant Recommendations

Assess the feasibility of the Pavilion Band's request to locate the proposed 5L46 transmission line on the west side of the existing corridor rather that the east side.

B.C. Hydro Response

B.C. Hydro has reviewed this request and is agreeable, providing right-of-way can be acquired on the west side of the existing corridor.

B.C. Hydro Commitment

B.C. Hydro will utilize the west side of the transmission line corridor provided it is able to complete the memorandum of understanding between B.C. Hydro and the Band.

(g) Socio-Economic Consultant Recommendation

Release 2L1 right-of-way to the Seton Lake Band when the existing line on Reserve is dismantled.

B.C. Hydro Response

If the Project is approved, existing circuit 2L1 will be removed and its right-of-way through the Reserve released.

B.C. Hydro Commitment

Ensure that the 2L1 right-of-way through the Seton Lake Band's Reserves is released to the Band if the Project is constructed.

(h) Socio-Economic Consultant Recommendation

Assess the feasibility of relocating segments of 3L2 and 2L2 transmission lines where they cross the developable area identified as Skiel Mountain development cell on the Seton Lake Band's Slosh IR1.

B.C. Hydro Response

This concern is expected to be addressed in negotiations with the Band and the Northern Stl'atl'imx communities.

B.C. Hydro Commitment

Continue to apply the necessary resource to the consultation and communication process in an attempt to reach an agreement with affected Bands relating to securing the generally favoured route. These continuing negotiations will be carried out within the Project schedule and time available.

(i) Socio-Economic Consultant Recommendation

Release 2L1 right-of-way through Cheakamus IR11 to the Squamish Band when the existing line on Reserve is dismantled.

B.C. Hydro Response

If the Project is approved following the proposed route through the Resort Municipality of Whistler, existing circuit 2L1 could be removed and its right-of-way through the Reserve released.

B.C. Hydro Commitment

B.C. Hydro plans to discuss the prospect of removal of 2L1 right-of-way through the Cheakamus IR11 with the Squamish Band if the Project is constructed.

6.4 PROJECT RELATED BUSINESS AND EMPLOYMENT OPPORTUNITIES

6.4.1 Commitments Resulting from the Consultation Process

(a) Apprise native people within the study area of the skills training and education required in order to access Project opportunities during the pre-construction period;

(b) Advise individuals and businesses from the local native community of contractor and employment opportunities during the construction, operation, and maintenance of the transmission line.

If the Project is approved, B.C. Hydro will advertise appropriate Project related contracts in local newspapers and hold at least one further Contractors meeting prior to letting tenders for clearing contracts;

(c) Provide the opportunity for interested Indian Bands to clear Project rights-of-way on their Reserve lands;

(d) Provide the necessary administrative resources to facilitate the participation of Bands in the study area in the Project tendering process;

(e) Provide information and training to allow native businesses and Bands within the study area to compete for Project contracts.

6.5 RESTRICTING PUBLIC ACCESS

6.5.1 Commitments Resulting from the Native Communities Report

Socio-Economic Consultant Recommendation

In consultation with native leaders, B.C. Hydro should devise measures aimed at restricting public access to Indian Reserve lands or other traditional hunting areas that are crossed by transmission lines.

B.C. Hydro Response

B.C. Hydro as a general practice, works cooperatively with property owners, including Indian Bands, to restrict access to private land (e.g.

through the use of gates where requested). In addition, B.C. Hydro employs a policy of minimizing roads and utilizing existing access roads where available.

B.C. Hydro Commitment

B.C. Hydro will work with Bands within the study area, upon request, if the Project is approved, to minimize access to Reserves which the Project would cross. Restriction of access to Crown Land is subject to agreement with the Ministry of Crown Lands.

6.6 HERBICIDE USE

6.6.1 Commitments Resulting from the Native Communities Report

Socio-Economic Consultant Recommendation

Since the use of herbicides for vegetation control on the transmission line rights-of-way is such a serious concern of Band representatives, B.C. Hydro should, again in cooperation with the native leaders, continue to re-evaluate their present practices and continue to consider other options for vegetation control.

B.C. Hydro Response

Vegetation management is required to ensure public safety and a reliable and secure source of power. Most power outages are caused by contact with or proximity to vegetation. Where necessary, tall trees and high brush must be removed to prevent vegetation from interfering with electrical lines. Failure to do so causes short circuits, power outages, fires, and possible injury or even loss of life.

(a) B.C. Hydro does not utilize aerial and other broadcast spraying methods for application of herbicides. Herbicides are applied only under the supervision of certified applicators who are sensitive to cultural and seasonal restrictions, such as the application restrictions during the picking season for edible berries. Agreement from Bands is required prior to any herbicide application on their Reserve lands.

(b) *B.C. Hydro's long term vegetation management goal is to encourage the biological control of unwanted tall growing vegetation through establishment of low growing vegetation along our rights-of-way. Low growing species minimize maintenance by reducing tree trimming.*

In achieving this goal, in order of preference, B.C. Hydro uses three vegetation management techniques: biological control through the introduction and promotion of low growing native vegetation or cultivated areas; physical control by manual or mechanical cutting; and chemical control through the application of species or site-specific herbicides.

(c) *B.C. Hydro adheres to the provincial regulations regarding the application of herbicides. These regulations establish herbicide-free zones near water bodies and buffer zones to avoid any leaking of herbicides into sources of water.*

(d) *B.C. Hydro may hold its rights-of-way as easement over private or Crown lands. Where a private owner including an Indian Band, wishes to grow Christmas trees, or other compatible vegetation on the ROW, B.C. Hydro will offer full encouragement and assistance, recognizing that its maintenance costs are reduced. Where the Easement is on Crown land, the Crown has the jurisdiction to grant a lease for Christmas tree production or a similar enterprise compatible with the right-of-way. If such a lease is granted, B.C. Hydro will offer the lessor the same support as a private owner.*

B.C. Hydro Commitment

(a) B.C. Hydro will continue to reduce its reliance on the use of herbicides and will not apply herbicides on Indian Reserve lands without the permission of the Band.

(b) B.C. Hydro will consult with native Bands in the study area with the objective of minimizing the use of herbicides to control the growth of unwanted species.

(c) B.C. Hydro will continue to explore alternatives to herbicide use and identify alternatives such as hand clearing and maintenance contracts and ROW Christmas Tree Farming which could be of an economic benefit to local native communities.

6.7 NATIVE LIAISON

6.7.1 Commitments Resulting from the Consultation Process

Limited information concerning the level of skills of individual Band members and the capabilities of existing or potential contractors was made available to the socio-economic consultant. It is recognized that more suitable forums for the exchange of this kind of information will have to take place between the Bands and B.C. Hydro in order that the Bands can maximize their access to Project and maintenance clearing contracts. To this end, workshops have been held in Pemberton and Lillooet for the local contracting community.

Other commitments resulting from the consultation process include:

(a) B.C. Hydro will consult with study area Bands to develop a means of monitoring and evaluating follow-through on commitments made by B.C. Hydro.

(b) B.C. Hydro will advise study area Bands of Project opportunities consistent with their skills as they relate to the proposed Project.

(c) B.C. Hydro will offer and arrange Project updates for the native communities as requested during the post-approval stage of the Project.

6.8 CONSTRUCTION TRAFFIC

6.8.1 Commitments Resulting from the Native Communities Report

There are four areas related to the transportation of crews and equipment where concerns are anticipated. These are:

- Pavilion Indian Band Village - The main road through the Village (gravel road leading north from Highway 12) will be used to access the northern-most portions of the proposed Project. Concerns related to use of this road by construction traffic include safety of residents, dust control, and general disruption of vehicular and pedestrian traffic are expected.

- Bridge River Indian Reserve - The road paralleling the Bridge River through the Bridge River IR1 is the main access between Lillooet and Shalalth/Seton Portage and therefore will be used during construction. While little development exists along this road, it is used extensively by Band members. Relevant concerns may include general traffic disruption and dust control in certain areas.

- Shalalth/Seton Portage - There are two areas where traffic concerns may arise. The first is along the steep, windy hill leading down from Mission Ridge toward Slosh IR1. This is the main access road into the Shalalth/Seton Portage area, which may lead to traffic disruptions due to slow-moving construction vehicles. The second area of concern is through the populated portions of the Seton Lake Indian Band's Reserves west of the powerhouse. Relevant concerns in these populated areas will include resident safety, traffic congestion, and dust control in some locations.

- Mount Currie Indian Band Village - The Pemberton Portage Road connecting D'Arcy with Pemberton traverses through the old Mount Currie Indian Band Village. Concerns related to the movement of construction crews and equipment through the Village include safety of residents, and traffic congestion/disruption due to increased volumes.

B.C. Hydro Response

B.C. Hydro recognizes that construction of the proposed Project will bring increases in road traffic to Pavilion Village, Bridge River Road, Shalalth/Seton Portage, and old Mount Currie Village.

B.C. Hydro Commitment

B.C. Hydro will consult with the Ministry of Transportation and Highways to determine appropriate travel restrictions and mitigative measures (such as dust suppression) required, if any.

B.C. Hydro will take steps to advise contractors and others of the need to obey any traffic restrictions in these areas.

6.9 NON-PROJECT RELATED COMMITMENTS

6.9.1 Commitments Resulting from the Consultation Process

(a) B.C. Hydro will review existing rights-of-way agreements with study area Indian Bands upon request. This review could involve a number of business units within B.C. Hydro including Properties, Production, Customer Services, Project Management and Environmental Resources;

(b) Given the consultation process for this Project, design, in collaboration with the native community of B.C., a consultation and public involvement process specifically designed for native people. This program would not be Project focused or tied to specific Project in-service dates, but rather would focus regionally as an ongoing resolution process and forum for discussing electricity planning and B.C. Hydro and native community choices for the future.

6.9.2 Commitments Resulting from the Native Communities Report

(a) Socio-Economic Consultant Recommendation

Native groups do not appreciate the division of responsibility among B.C. Hydro's various departments. Business dealings and contacts with individual Bands should be well coordinated with the corporate divisions of B.C. Hydro.

B.C. Hydro Response

B.C. Hydro recognized early on in discussions with the Bands the need for streamlining communication channels. Bands are encouraged to contact their local B.C. Hydro offices for clarification of business contacts.

B.C. Hydro Commitment

Responsibility for ongoing relationships with the native community rests with local B.C. Hydro offices. B.C. Hydro is currently working to increase the sensitivity and awareness of its staff regarding the native community. B.C. Hydro will meet with interested Bands upon request.

(b) Socio-Economic Consultant Recommendation

B.C. Hydro should address the widely held perception in the native communities that B.C. Hydro is not prepared to offer members of those communities employment opportunities.

B.C. Hydro Response

B.C. Hydro is willing to explore opportunities with native communities outside the context of the Kelly Lake - Cheekye Project. Initiatives already underway include:

B.C. Hydro introduced an employment equity program in 1989, as a key component of its corporate human resource strategy. A broad objective of the program is to strive towards a workforce that is reflective of the diversity in the community we serve. To that end, Hydro has:

- *increased outreach efforts to native people and other target groups;*
- *provided worksite tours, work experience/job shadowing opportunities, and summer work where possible;*

- *actively worked with the Canadian Council for Native Business to provide internship opportunities at B.C. Hydro;*
- *introduced a pilot native scholarship program;*
- *introduced a corporate education program to work with schools, and government to ensure students of ALL backgrounds develop the skills, knowledge and attitudes required in the future workforce.*

Further information on any of these initiatives is available through local district offices, or B.C. Hydro's Employment Equity Coordinator in Vancouver.

B.C. Hydro Commitment

Inform native communities of B.C. Hydro employment opportunities, training positions and hiring and contract bidding procedures as they relate to non-Project associated business and employment opportunities.

(c) Socio-Economic Consultant Recommendation

B.C. Hydro should be prepared to change its traditional contractor tendering procedures and policies, through implementation of a number of changes.

Adjustments in contracting policies should provide flexibility in the following areas:

- ability to give preference to the local community-based small private contractors. The local community would have to be defined, but should include both the native and non-native communities within a specified radius of the work area, say 100 km;
- flexibility in timing of work to allow for seasonal variations in other activities or employment opportunities in the region (thereby balancing workloads throughout the year);

- criteria for selection of contractors other than the "lowest bid";

- more direct involvement by B.C. Hydro staff in working with the community-based small contractors throughout all stages of the tendering process - the team approach rather than an adversarial relationship which often accompanies the traditional competitive tendering process.

In developing a new contractor selection process for Project contracts, B.C. Hydro should involve leaders of the native communities to ensure that their concerns are being addressed.

B.C. Hydro Response

B.C. Hydro contracting procedures and documents are reviewed on an ongoing basis. The consultant's recommendation has been noted and will be considered in the development of tender documents for this Project. B.C. Hydro anticipates that the majority of contracting opportunities created by the proposed Project and suitable for local contractors will be in the area of logging and/or clearing. To encourage local interest, area contractor workshops were held in Lillooet and Pemberton to inform interested contractors of B.C. Hydro's tendering processes, contract requirements and safety requirements. Contract opportunities not related to the Project were discussed as well. The workshops involved native participants from the study area.

B.C. Hydro Commitment

B.C. Hydro will structure clearing contracts wherever possible (and within the boundaries of its tendering procedures) to encourage local contractor involvement. Additional contractor information meetings will take place as appropriate prior to initiating tenders for right-of-way clearing.

(d) Socio-Economic Consultant Recommendation

As a Crown agency of the Province, B.C. Hydro should further investigate the facilitative role it might play in helping communities achieve economic development objectives.

B.C. Hydro Response

As a matter of practice, B.C. Hydro has ongoing contact with other businesses and industries in the local area of a proposed Project. During the Kelly Lake - Cheekye studies, for example, B.C. Hydro contacted a number of businesses including B.C. Rail, B.C. Tel, The Mining Association of B.C. and Westcoast Energy to request their participation as observers to the contractor workshops held in Lillooet and Pemberton.

B.C. Hydro Commitment

B.C. Hydro will further investigate the possible facilitative role it might play in helping both native and non-native communities achieve economic development objectives. This role would be primarily based on B.C. Hydro's ability to provide information and tendering opportunities on right-of-way clearing and maintenance contracts.

(e) Socio-Economic Consultant Recommendation

B.C. Hydro should seriously evaluate the feasibility of paying grants-in-lieu of taxes to Indian Bands in a manner similar to that presently required by municipalities and regional districts.

B.C. Hydro Response

This matter is under review by B.C. Hydro for discussion with the provincial government. B.C. Hydro does pay grants-in-lieu of municipal and regional district taxes to the provincial government. These grants are equal to the sum of 1% of its gross receipts from sales in a municipality and regional districts plus the value of any taxes it would pay on its land and buildings if it were not exempt.

B.C. Hydro cannot act unilaterally on this concern which is a complex issue to be resolved by B.C. Hydro, the Bands and the provincial government.

B.C. Hydro Commitment

B.C. Hydro will bring this concern to the attention of the Ministry of Municipal Affairs as well as the Ministry of Native Affairs.

(f) Socio-Economic Consultant Recommendation

Additional investigation is required in order to integrate the opportunities originating from construction and maintenance of the Project, and those related to existing B.C. Hydro facilities in the area, with each Band's capabilities.

It is recommended that if significant B.C. Hydro administrative time is necessary to facilitate the participation of Bands in the Project tendering process, that this be allowed for in the Project budget.

The most potentially significant negative impact associated with the Project would be the inability of the Bands in the study region to participate in the Project in a meaningful way. To mitigate this potential negative impact, B.C. Hydro must recognize that, as a cost of doing business, considerable effort will be required to develop Project contracts that reflect each Band's capabilities.

B.C. Hydro Response

The consultant's recommendation has been noted and will be considered in the development of tender documents for this Project. B.C. Hydro anticipates that the majority of contracting opportunities created by the proposed Project and suitable for local contractors will be in the area of logging and/or clearing. To encourage local interest, area contractor workshops were held in Lillooet and Pemberton to inform interested contractors of B.C. Hydro's tendering processes, contract requirements and safety *requirements. Contract opportunities not related to the Project were discussed as well. These workshops involved native participants from the study area.*

B.C. Hydro Commitment

B.C. Hydro will structure clearing contracts wherever possible (and within the boundaries of its tendering procedures) to encourage local contractor involvement. Additional contractor information meetings will take place as appropriate prior to inviting tenders for right-of-way clearing.

Through contributing expertise and funding for local workshops at Pemberton and Lillooet, B.C. Hydro has enhanced the ability of native and non-native local contractors to undertake right-of-way maintenance contracts in order to develop vegetation management as well as business experience in anticipation of Project activity. Further opportunities will be explored.

B.C. Hydro will hire a crew and equipment from the Pavilion Band (if possible) to restore damaged range on existing rights-of-way on Pavilion IR1.

APPENDICES

Figures 1 to 9

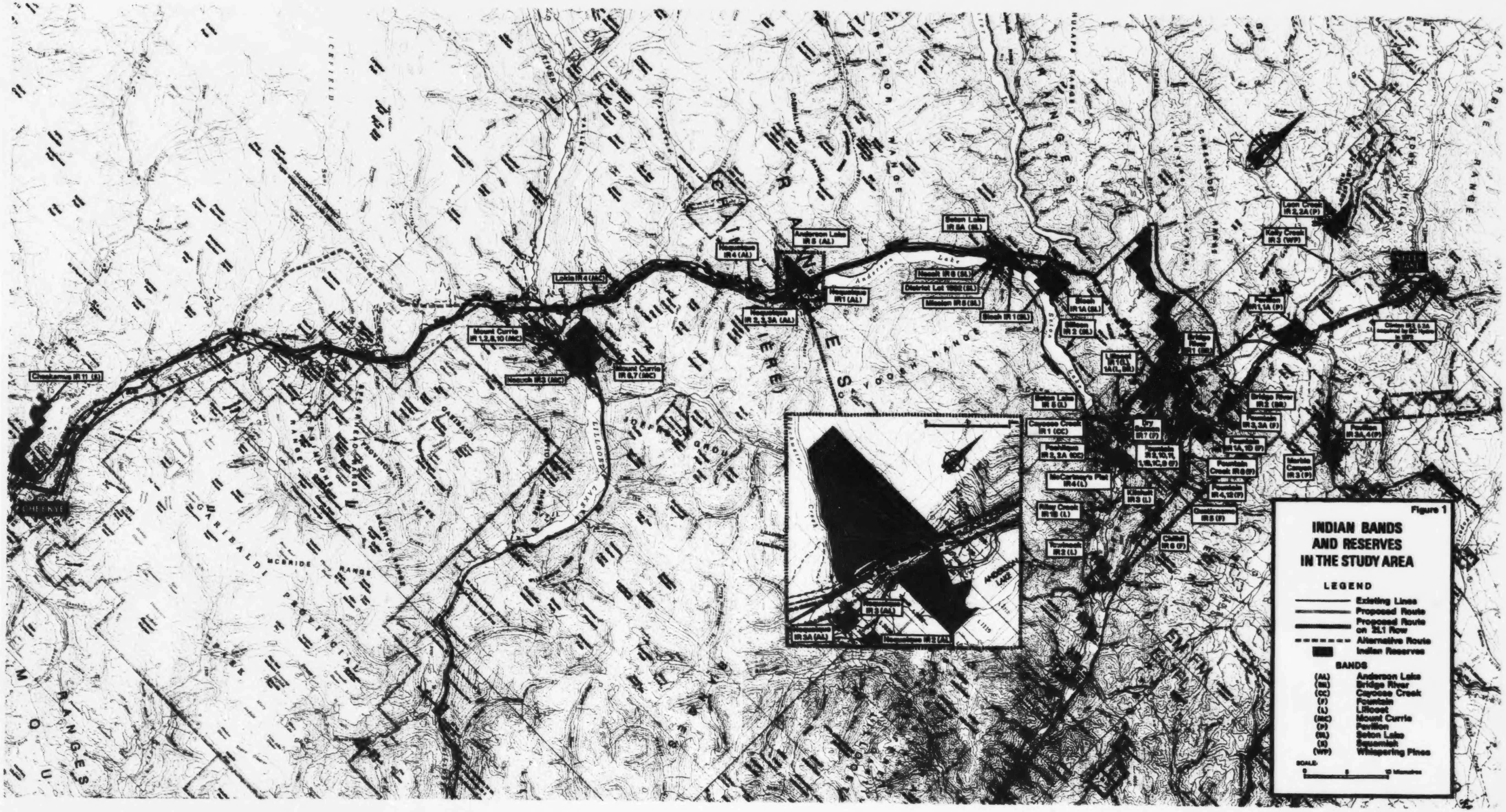


Figure 1

INDIAN BANDS AND RESERVES IN THE STUDY AREA

LEGEND
Existing Lines
Proposed Route
Proposed Route on 23.1 Row
Alternative Route
Indian Reserves
BANDS
(AL) Anderson Lake
(BR) Bridge River
(CC) Cayoose Creek
(F) Fountain
(L) Lillooet
(MC) Mount Currie
(P) Pavilion
(SL) Seton Lake
(S) Squamish
(WP) Whispering Pines
SCALE
0
5
10 Kilometres
Cheakamus IR 11 (S)
CHEEKYE
Lokla IR 4 (MC)
Mount Currie IR 1,2,8,10 (MC)
Mount Currie IR 6,7 (MC)
Nesuch IR 3 (MC)
Nequatque IR 4 (AL)
Anderson Lake IR 5 (AL)
Nequatque IR 1 (AL)
Nequatque IR 2,3,3A (AL)
Seton Lake IR 5A (SL)
Necait IR 6 (SL)
District Lot 1962 (SL)
Mission IR 5 (SL)
Slosh IR 1 (SL)
Slosh IR 1A (SL)
Silicon IR 2 (SL)
Lillooet IR 1 (L), 1A (L, SL)
Bridge River IR 1 (BR)
Bridge River IR 2 (BR)
Cayoose Creek IR 1 (CC)
Pashilqua IR 2, 2A (CC)
McCartney's Flat IR 4 (L)
Kilchult IR 3 (L)
Riley Creek IR 13 (L)
Towinock IR 2 (L)
Dry Salmon IR 7 (F)
Fountain IR 2, 10, 11, 1, 1B, 1C, 9 (F)
Fountain IR 3, 3A (F)
Fountain IR 1A, 10 (F)
Fountain Creek IR 8 (F)
Fountain IR 4, 12 (F)
Chilhil IR 6 (F)
Marble Canyon IR 3 (P)
Pavilion IR 3A, 4 (P)
Pavilion IR 1, 1A (P)
Kelly Creek IR 3 (WP)
Leon Creek IR 2, 2A (P)
Anderson Lake
Seton Lake
GARIBALDI
McBRIDE RANGE
PROVINCIAL PARK
LILLOOET
CAYOOSH RANGE
RANGES
IR 3 (AL)
IR 2A (AL)
Nequatque IR 2 (AL)

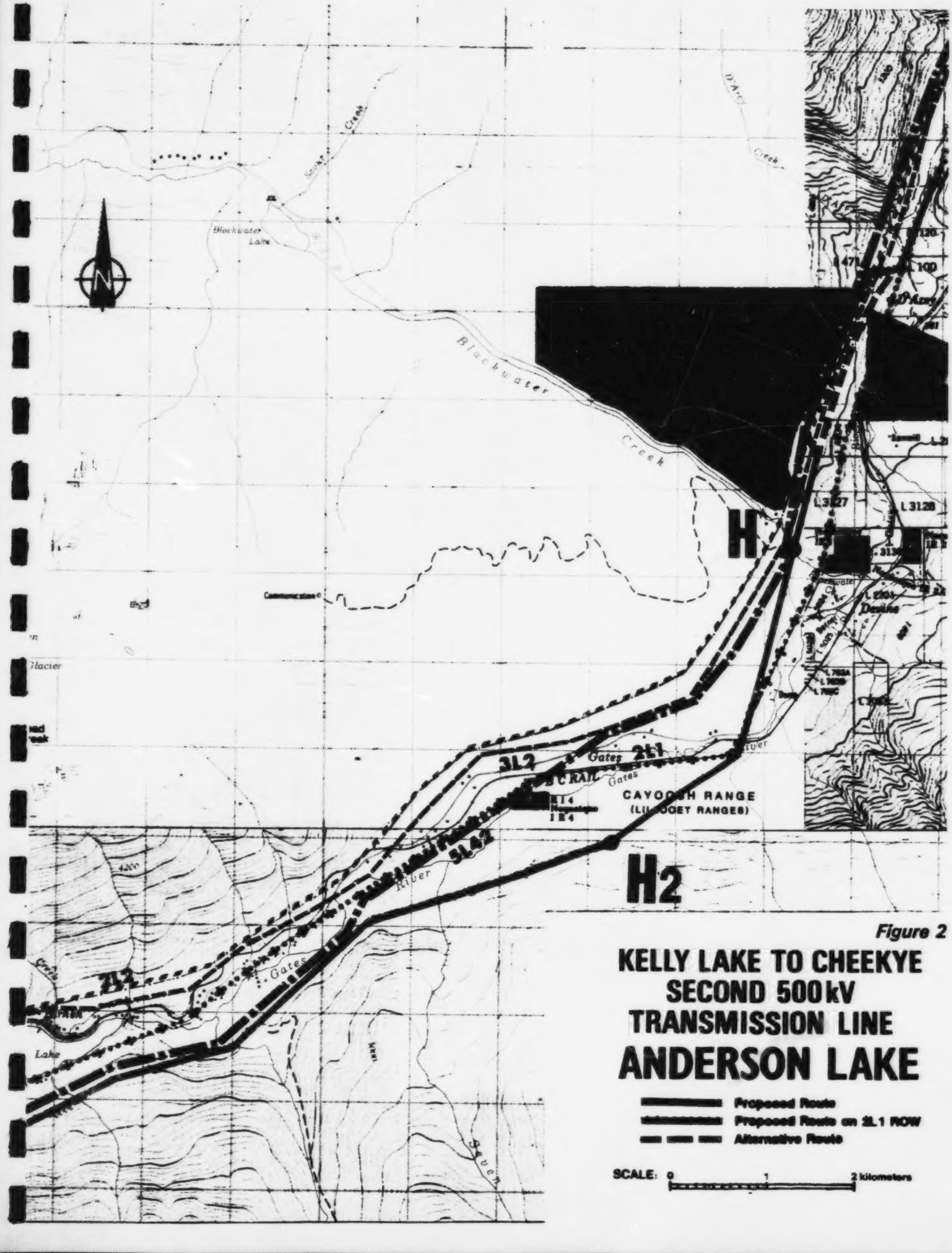

Blackwater Lake
Blackwater Creek
Creek
D'Arcy Creek
H
H2
3L2
2L1
2L2
3L42
B C RAIL
Gates
Gates River
CAYOOSH RANGE
(LILLOOET RANGES)
Glacier
Lake
D'Arcy
Devine
L 3127
L 3128
Proposed Route
Proposed Route on 2L1 ROW
Alternative Route
SCALE: 0 1 2 kilometers

Figure 2

KELLY LAKE TO CHEEKYE SECOND 500kV TRANSMISSION LINE

ANDERSON LAKE

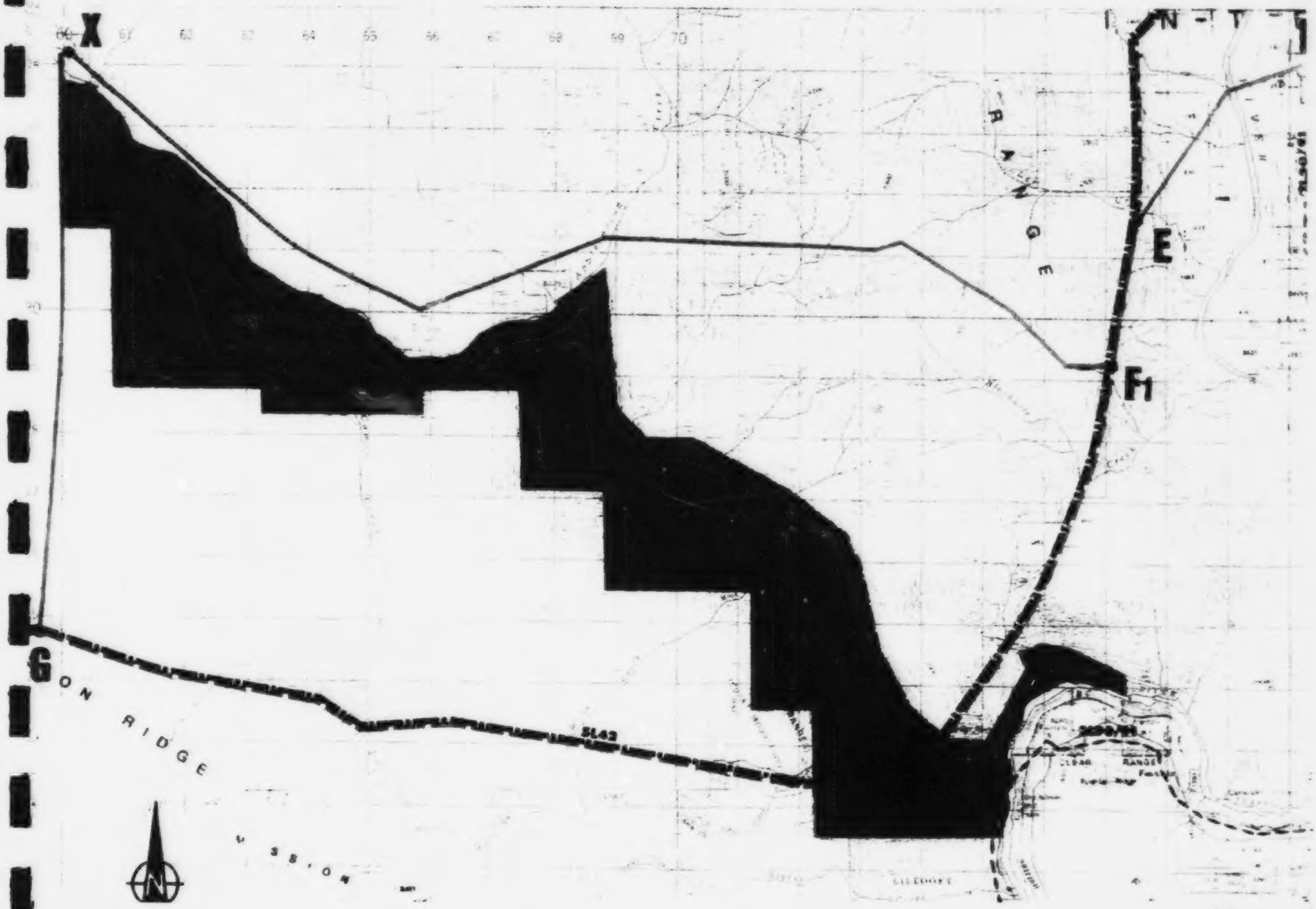

X
RANGE
E
F1
G
ON RIDGE
SSION
5L42
LILLOOET

Figure 3

KELLY LAKE TO CHEEKYE SECOND 500kV TRANSMISSION LINE

BRIDGE RIVER

———	**Proposed Route**
— — — —	**Alternative Route**

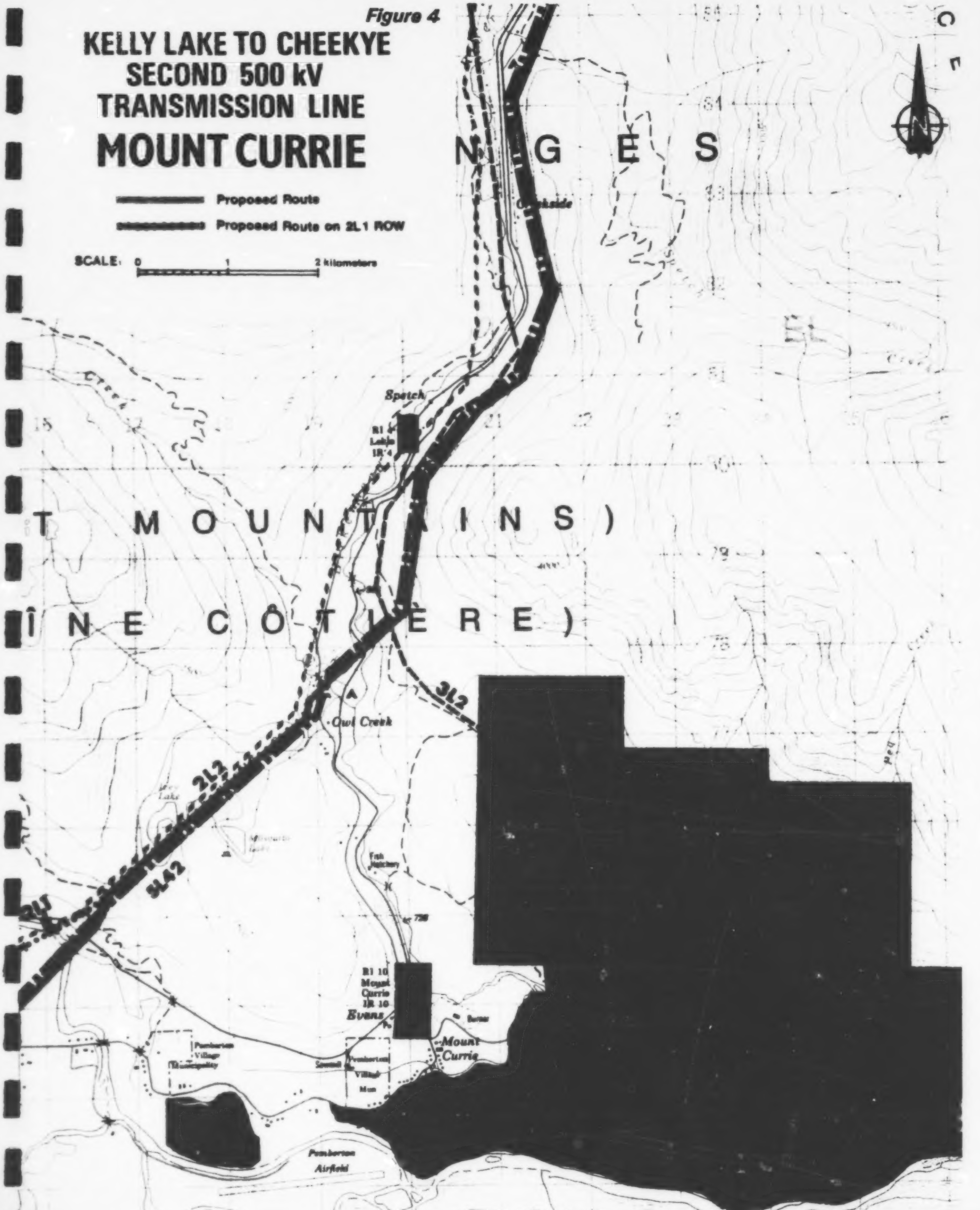
SCALE

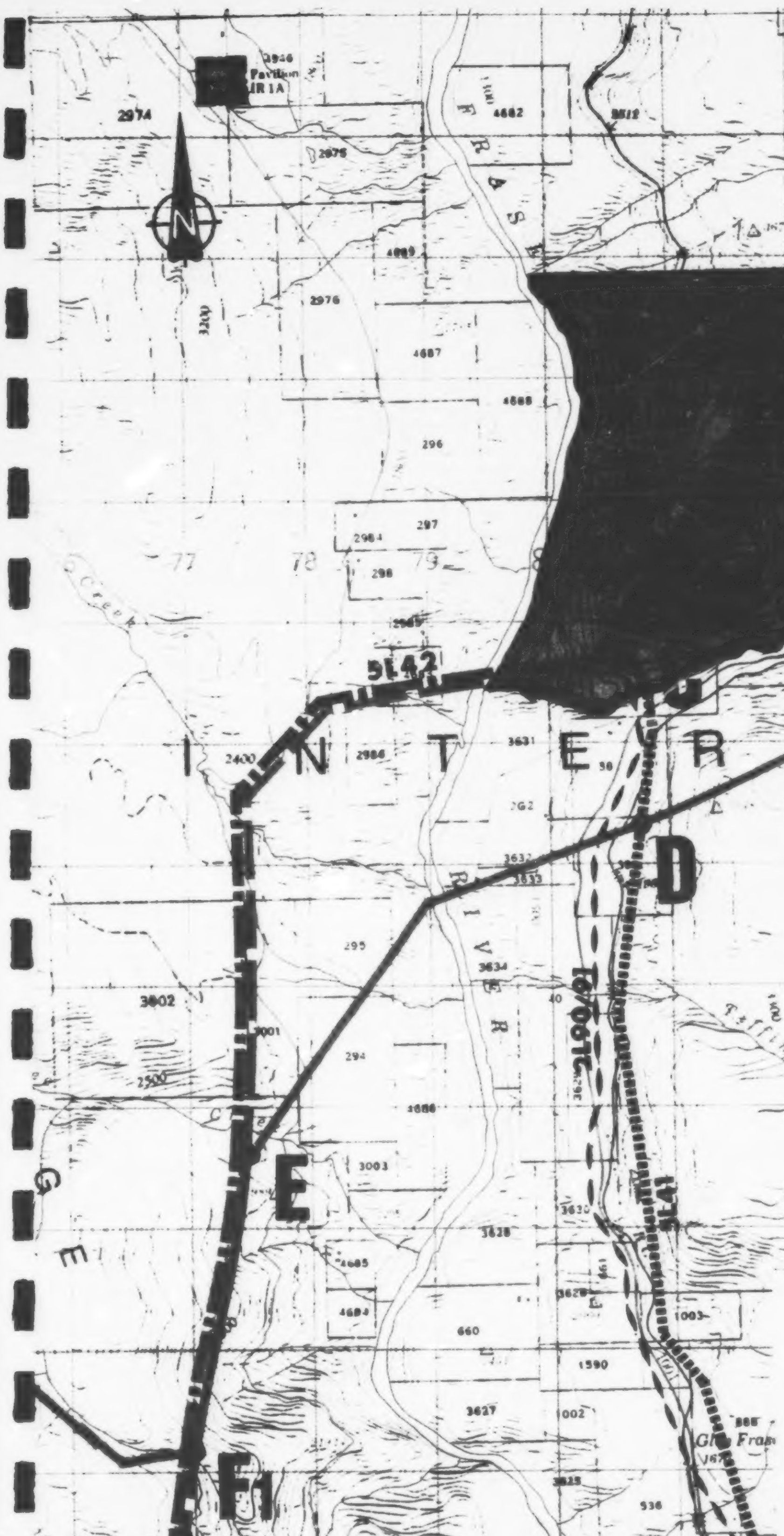
0 1 2 3 4 5 kilometers

Figure 4

KELLY LAKE TO CHEEKYE SECOND 500 kV TRANSMISSION LINE

MOUNT CURRIE


Proposed Route
Proposed Route on 2L1 ROW
SCALE: 0 1 2 kilometers
N G E S
Creekside
EL
Creek
Spetch
RI 4 Lokla IR 4
T MOUNTAINS)
ÎNE CÔTIÈRE)
3L2
Owl Creek
2L2
5L42
2L1
Fish Hatchery
RI 10 Mount Currie IR 10
Evans
Mount Currie
Pemberton Village Municipality
Pemberton Airfield


W
W1
D
E
F1
5L42
5L41
INTERIOR
FRASER RIVER
Pavilion IR 1A
Pavilion
Transformer Station
Mount Cole
Creek
Bridge River IR 2
N
P

Figure

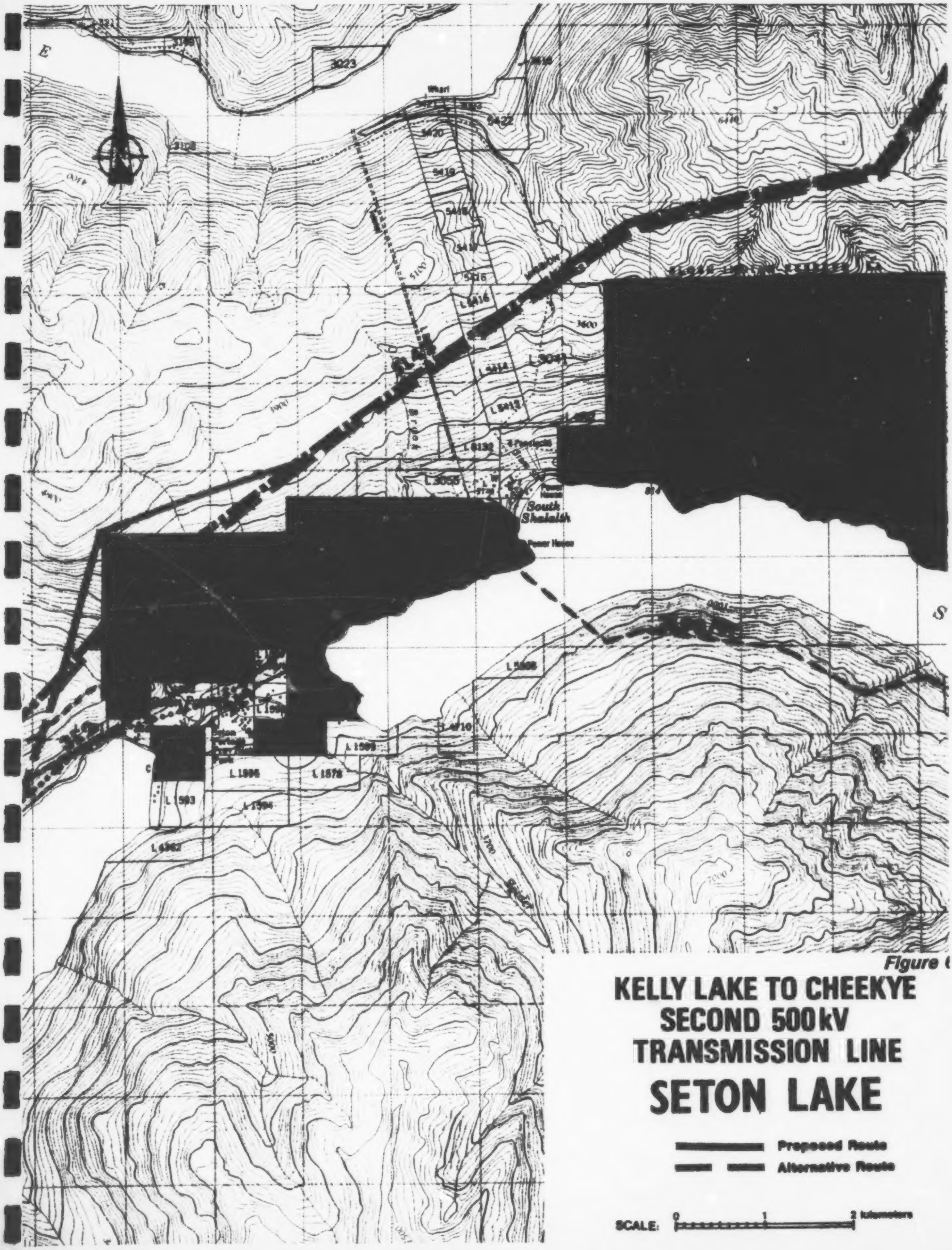
KELLY LAKE TO CHEEKYE SECOND 500kV TRANSMISSION LINE

PAVILION

▬▬▬	Proposed Route
▬ ▬ ▬	Alternative Route

SCALE:

0 — 1 — 2 kilometers


E
3023
Wharf
5422
5420
5419
5418
5417
5416
L 5416
5100
L 5414
L 5413
L 3041
3900
L 6132
L 3056
South Shalalth
Power House
S
L 5505
L 1509
L 4910
L 1896
L 1578
L 1503
L 1504
L 4962
7000
5000
Proposed Route
Alternative Route
SCALE:
0
1
2 kilometers

Figure

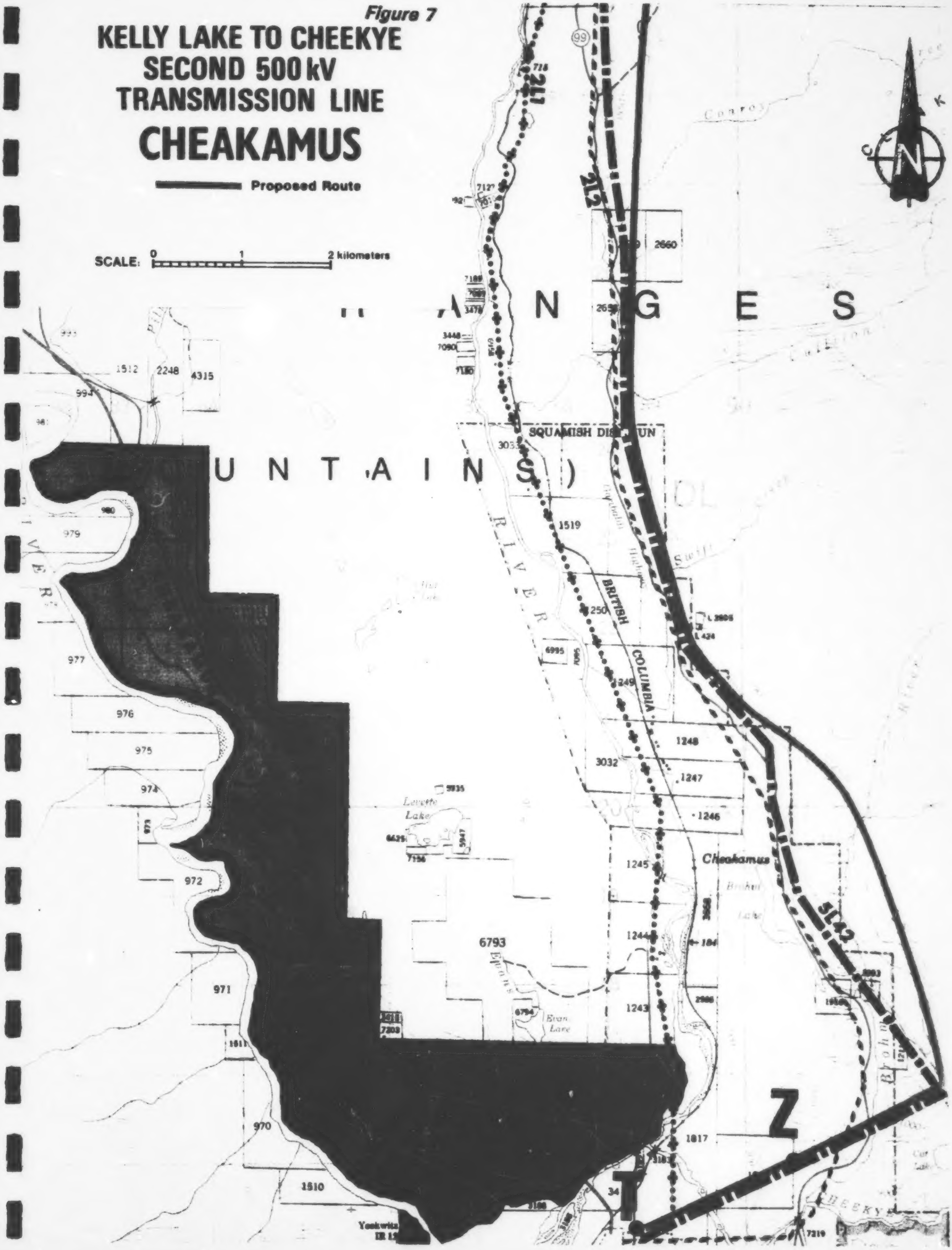
KELLY LAKE TO CHEEKYE SECOND 500kV TRANSMISSION LINE

SETON LAKE

Figure 7

KELLY LAKE TO CHEEKYE SECOND 500 kV TRANSMISSION LINE

CHEAKAMUS


Proposed Route
SCALE: 0 1 2 kilometers
N
99
2L1
2L2
5L42
R A N G E S
U N T A I N S)
SQUAMISH DIS UN
BRITISH COLUMBIA
R I V E R
Cheakamus
Levette Lake
Evan Lake
Brohm Lake
Z
T
CHEEKYE
Conroy
Callaghan
Swift
Yeakwitz IR 1
2660
3033
1519
1250
1249
1248
1247
1246
1245
1244
1243
3032
1017
6793
6995
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972
971
970
1510
7319

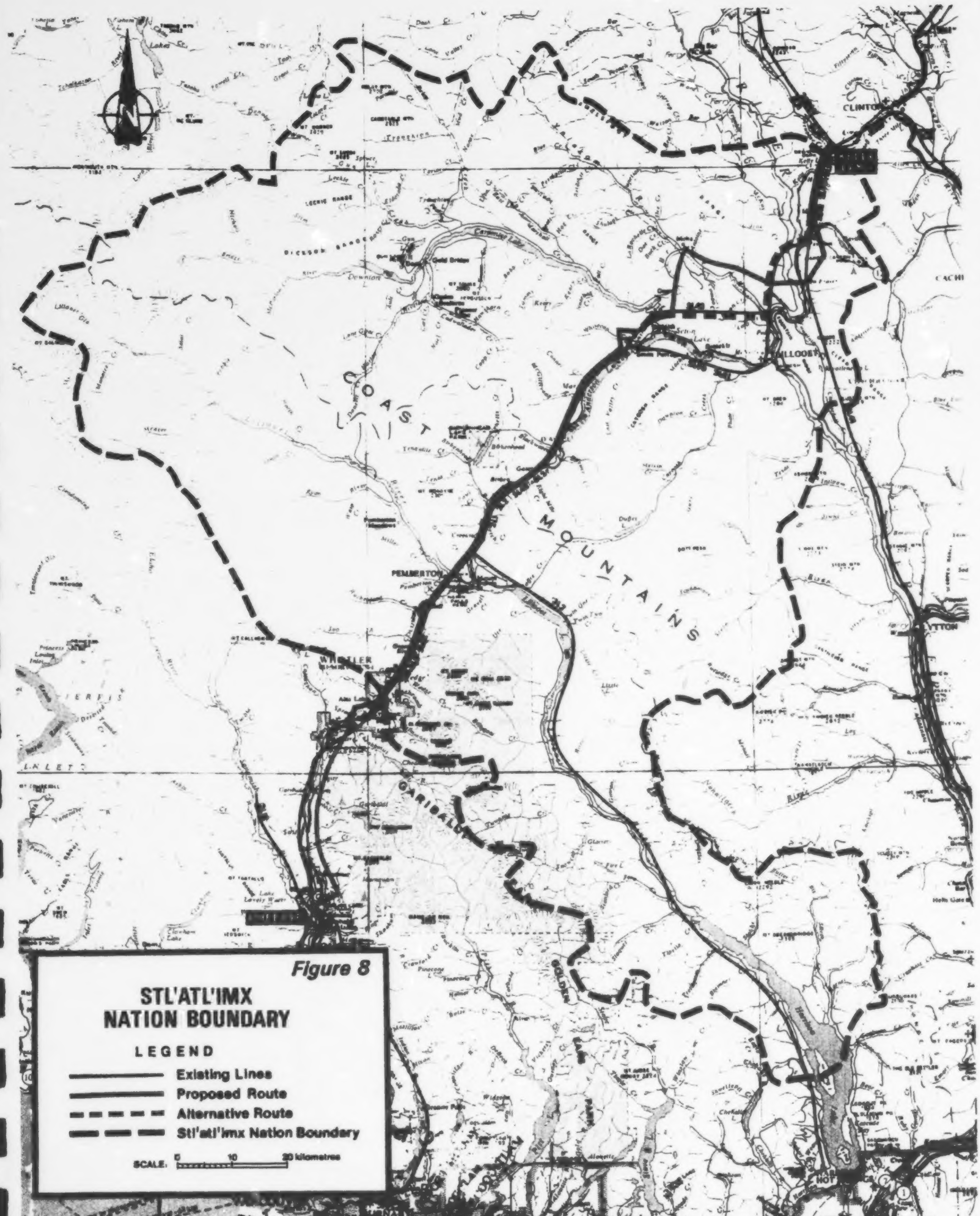

COAST MOUNTAINS
GARIBALDI
CLINTON
LILLOOET
PEMBERTON
WHISTLER
LYTTON
CACHE
HOPE
RICHMOND
Seton Lake
Harrison
LEGEND
Existing Lines
Proposed Route
Alternative Route
Stl'atl'imx Nation Boundary
SCALE: 0 10 20 kilometres

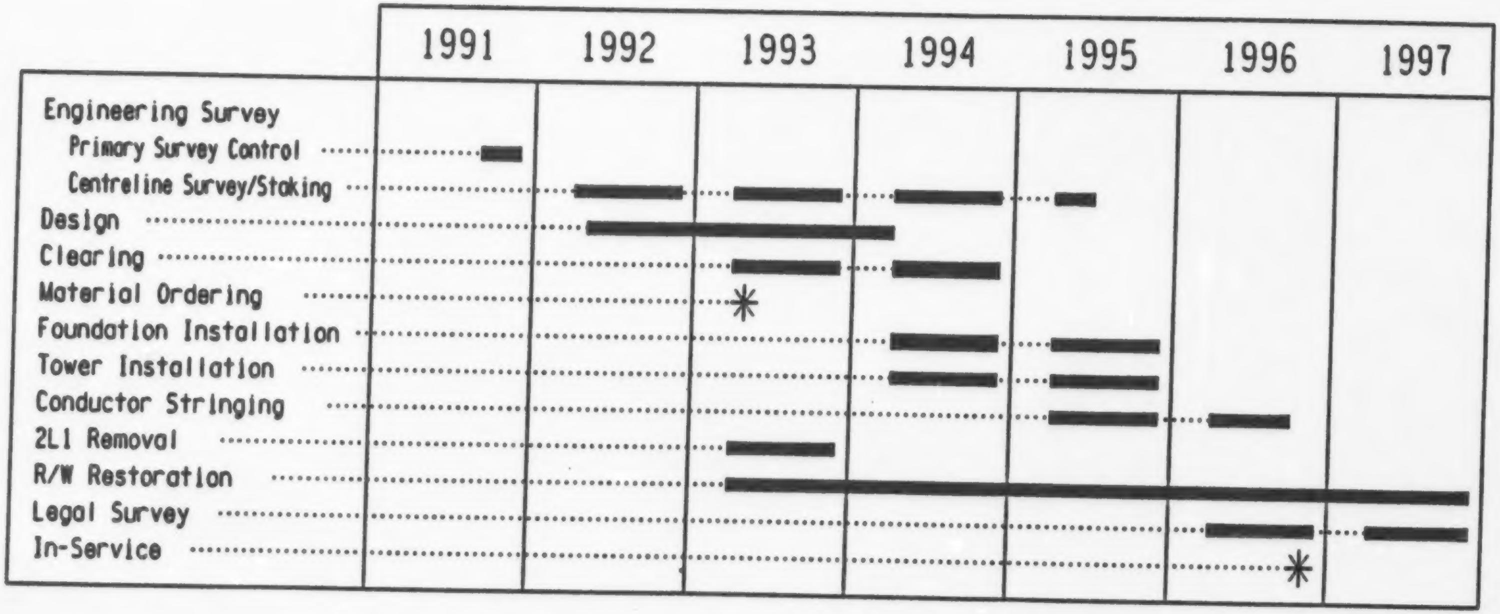
Figure 8

STL'ATL'IMX
NATION BOUNDARY

Kelly Lake to Cheekye Substation
Second 500 kV Transmission Line

Figure 9

Proposed Project Schedule



GLOSSARY

The following are definitions the writers of the report have developed and are not necessarily legal interpretations.

Aboriginal Rights:	The rights arising from traditional use and ancient occupation of land. These rights are constitutionally protected and include such rights as the right to hunt, fish and gather foods and materials and exercise some jurisdiction over lands.
Aboriginal Title:	A claim to ownership of and/or jurisdiction over lands and economic and other activities that take place within claimed lands.
Band Council:	Under the Indian Act a group of individuals, usually consisting of a Chief and Councillors, who act as representatives of the Band. The Council may be elected or chosen according to the custom of the Band.
Band Manager:	An individual generally designated by the Band Council to conduct the administrative duties of the Band.
(DIAND) INAC:	The Department of Indian Affairs and Northern Development (DIAND), also commonly referred to as Indian and Northern Affairs Canada (INAC). The federal department which is responsible for administrating the Indian Act, negotiating Treaties, and fulfilling the fiduciary obligation of the Federal Crown.
Indian Act:	A Federal Act which deals with Indian matters, including status and Band membership provisions, establishment and powers of Band Councils, and the management and protection of Indian lands and monies.

Indian Band:	Under the Indian Act, a group of Indians, usually of a common cultural heritage, for whose use or benefit lands or monies have been set apart by the federal government, or who have been declared to be a Band by the Governor in Council. When referred to as "Bands" the reference is to specific Indian Bands identified as being within the study area for the Project, namely: Anderson Lake, Bridge River, Cayoose Creek, Fountain, Lillooet, Mount Currie, Pavilion, Seton Lake, Squamish and Whispering Pines.
Indian Reserve:	Lands which have been set aside under the Indian Act for the use and benefit of a Band, the legal title to which is vested in the Federal Crown.
Land Claims, Comprehensive:	A land claim to traditionally used and/or occupied areas based on the concept of continuing Aboriginal Title.
Land Claims, Specific:	A land claim against the Federal Government, generally involving a dispute over unfulfilled treaty obligations, or the allotment and administration of Reserve lands.
Native:	A person of aboriginal ancestry, whose predecessors inhabited the lands now known as Canada prior to contact by European explorers and settlers. The term "Native" is not a legal term, but in this report is used interchangeably with "aboriginal" or "Indian".
Project:	The proposed Kelly Lake to Cheekye Substation Second 500 kV Transmission Line (5L46), as applied for 12 July 1991.
Scarification:	Loosening the top soil in preparation for regenerating by *direct seeding or natural seedfall.

Traditional Lands:	The lands which the Indian Bands in the geographic area affected by the Project claim their ancestors have historically used since time immemorial for Aboriginal Rights purposes.
Tribal Council:	An administrative and political unit representing member Bands.

REFERENCES

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5. Stl'atl'imx Nation Territory - Land Status Scale, Source: Sofor Consultants, Victoria, July 1990 (as provided by the Lillooet Tribal Council).

6. Kelly Lake - Cheekye Substation Second 500 kV Transmission Line - Response Document and Summary of Commitments, October 1991.